

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137236/FO/2023

Date registered valid: 3 July 2023

Proposal: Lower ground and single storey ground floor rear extension to provide ancillary accommodation, new shopfront and creation of first floor flat (Class C3) involving new entrance.

Address: 248 Middleton Road, Manchester, M8 4WA

Ward(s): Higher Blackley Ward

Applicant: Mr Nissar Ahmed Khaliss Ltd

Agent (if any): Mr Subhan Saleem Saleem Architects

Case officer: Adam Mitchell
Tel: 0161 234 4165
Email: adam.mitchell@manchester.gov.uk

Recommendation: APPROVE

Date of recommendation: 24.08.2023

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 19.07.2023

Standard consultations:

Printed: 11 July 2023 Expired: 1 August 2023

Neighbour notifications

Printed: 11 July 2023 Expired: 1 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of Site/Area

The application site relates to a mid terraced, brick built two storey property situated within a small parade of 6 commercial premises. The ground floor is presently occupied by a chemist with ancillary storage. The first floor is primarily used as storage for the ground floor commercial unit.

There is a single storey outrigger to the rear of the property which provides access to the rear yard which is currently overgrown.

The application site is situated along Middleton Road which is a busy main route connecting north Manchester with the City Centre. The area is of a mixed character. There is a further parade of 8 commercial premises opposite the site along with a petrol filling station. The wider area, however, is residential in nature characterised by two storey properties. The site is not located within flood zone 2 or 3.

Description of development

Planning permission is sought for the erection of a single storey ground floor rear extension to provide ancillary accommodation, together with new shopfront and creation of first floor flat (Class C3) involving new entrance.

The proposed lower and ground floor rear extension will provide additional ancillary accommodation for the commercial use along the ground floor. The extension which measures

37 sqm in area, protrudes past the original elevation by 5.7 metres and has a width of 5.9 metres and height of 5.2 metres. The extension will involve a hipped roof and rear door allowing access to the storage area.

The proposed new shopfront involves a glazed glass frontage to the existing use and a door entrance to the proposed first floor residential flat.

The application seeks to convert the first floor storage space into a residential dwelling consisting of a 2 bedroom flat across the first floor and loft with separate access taken from the front of the premises. No external changes are proposed for this element of the extension apart from the addition of no.4 rooflights to the loft for bedroom 2.

Consultations & Notification Responses

Local residents were notified and one response was received. The comments centre around the use of the building with the resident wanting clarification of the proposed use.

Salford City Council had no objections to the proposal.

Highways had no objections to the proposal and recommended cycle parking and construction management plan conditions be attached to any approval.

Flood Risk Management had no objections to the proposal and recommended a surface water drainage layout informative and provided advice regarding the need for the applicant to obtain agreement from United Utilities for any build over agreement required.

Environmental Health had no objections to the proposal and recommended a construction hours, commercial hours and deliveries, noise and waste management conditions be attached to any approval.

Policy

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

- Saved policies DC1, DC5, DC14 and DC26 of the Unitary Development Plan
- Policies DM1, SP1, EN16, EN19, T2, H1, H4, EC5 of the Manchester Core Strategy.
- The Guide to Development in Manchester (SPD).
- Residential Quality Guidance
- National Planning Policy Framework

Issues

Principle

The principle of allowing business to adapt or extend premises to suit business needs or provided improved accommodation is generally acceptable, provided that there is no undue impact to residential and visual amenity. Further, the proposal will contribute towards the housing growth strategy, ensuring that development takes places within the right area to meet demands along with creating high quality places and neighbourhoods of choice.

The proposal will effectively reuse the first floor back into residential accommodation and in this case, the impact is considered sustainable and compliant with the aforementioned policy and guidance as outlined above. Matters which require consideration are whether the extension, shopfront and creation of first floor flat are acceptable along with the siting, scale and

appearance of the rear extension. Accordingly, matters of residential amenity will be considered. In addition, consideration will be given to waste management.

Residential and Visual Amenity

Rear extension

As outlined above the proposed lower and ground floor rear extension would have approx. dimensions of Height 5.2m x Width 5.9m x Depth 5.7m. The extension would run alongside the shared boundary with no. 250 Middleton Road.

Given the rear yards are principally used in association with the shops, it is not considered that there will be any overbearing or overshadowing impact. Further, other properties within this parade of commercial units have had the benefits of extensions into the rear yard and it is not considered that the proposed rear extension would cause a detrimental impact to the surrounding occupiers.

There will be a gap of 3 metres from the rear wall of the proposed extension to the boundary with residential dwellings along Windle Avenue, however given the existing boundary treatment, the mature vegetation screening, and the orientation of the residential properties, it is not considered that the proposed rear facing fenestration elements would lead to overlooking or loss of privacy implications to residential dwellings' rear and side amenity space. However, it is noted it will bring the activities of the shop closer to this property, however, it is not considered that this would give rise to detrimental impacts.

The extension will be of a brick construction and will complement the original building. There will be a series of windows and door into the rear yard. It is considered that the appearance of the extension is acceptable subject to a condition of the planning approval that the materials must match existing. On this basis, the impact to visual and residential amenity is considered satisfactory.

Creation of first floor flat

Policies DM1 and SP1 of the Core Strategy advocate that considerations should be given to effects of development upon amenity, living conditions and the well-being of residents. In this instance, the proposed development will introduce a residential use into the context of a predominantly residential environment along Middleton Road.

Due to the context of the immediate environment, it is not considered that the proposal will significantly alter the current levels of activity or create any undue, associated noise and disturbance or parking demand to such a degree that the amenity of nearby occupiers will be adversely affected. Further, given the location of the property along a key arterial route connecting North Manchester to the city centre situated along a parade of commercial units, it is not considered that the limited amenity space to the rear of the property would be significant to warrant a refusal.

Additionally, the other residential flats within this parade of ground floor commercial units and the residential dwellings to the east of the application site are at a suitable distance that the increased activity or associated noise and disturbance would not be significant, therefore the impact upon the neighbouring residential properties is considered acceptable.

As there are no changes to the external appearance of the first floor with the fenestration elements being retained, no undue overlooking will result.

In order to prevent the property from becoming in multiple occupation, a Class C3 use restriction condition will prevent any potential over-intensification of use.

A fallback is that a permitted change of first floor accommodation above a class E retail premises could be undertaken as permitted development.

On balance, the impact upon the residential amenity is considered satisfactory.

Shopfront

The proposed external alteration to the principal elevation of the host property would enhance the frontage to create a fresh image of the building and the use of high-quality materials will further improve the visual amenity of the area. The predominately window glazed shopfront alongside the new main entry point into the first-floor flat will not detract from the character and appearance of the premises or the parade along Middleton Road, in accordance with policies DM1 and DC14, due to the transparent character and appearance of the shopfront. Therefore, it is deemed that the proposal is acceptable as it is felt that the works would not adversely affect the appearance of the building or the visual amenity within the area.

It is considered that the proposed shopfront would not provide additional residential amenity implications to the surrounding neighbouring occupiers. It is deemed the small scale nature alterations to the authorised Class E commercial unit within a predominately mixed use area would not give rise to significant noise and disruption impacts to nearby residents. The proposed new shopfront along Middleton Road frontage is considered acceptable in this location and would not result in significant residential amenity implications for the area. Therefore the proposal complies with saved UDP policy DC1 and Manchester Core Strategy DM1 and SP1.

Density/Balance of Accommodation

Part of the proposal will deliver a 2 bedroom apartment. Revised plans were submitted with the design now incorporating a 2-bedroom 3 person flat with the floorspace (76 square meters) exceeding the minimum floorspace advocated by the space standards contained within the Residential Guidance.

Whilst family sized accommodation is preferred rather than 2-bedroom apartments which encourage more transient living, the proposed apartment is unlikely to be attractive to families in this location with limited outside amenity space situated within this parade of commercial units. As such the 2-bedroom apartment is considered acceptable pursuant to policy DC5 of Manchester's Core Strategy.

Waste Management

Bins will be retained to the rear yard of the application site, with a secure locked gated entrance into the rear yards along Wildare Avenue. The proposed drawings highlight the separate bins and will be moved to kerbside on collection day. Sufficient space is available within the rear yard to accommodate the total number of required receptacles for the flat and ground floor commercial unit. This arrangement is considered satisfactory in principle. Environmental Health have deemed that the waste management strategy is sufficient to ensure adequate recycling arrangements are achieved.

Impact on the Highway

Whilst the City Council does not have any prescribed standards for residential properties, policy T2 of the Core Strategy and saved policy DC5 of the UDP state that all new developments, including flat conversions, should provide appropriate car parking facilities. Policy SP1 goes on to state that new developments should improve access to jobs, services and education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Due to the constraints of the site, it is not possible for any off-road parking. However, given the sustainable accessible nature of the site close to the high frequency transport route of Middleton Road and the availability of on-street car parking nearby, the impact upon the highway as a result of a vehicular trips and parking demand can be satisfactory sustained. Highways consider the impact acceptable.

To mitigate any harm and to encourage no car borne trips, cycle storage provision condition will be included as part of any approval.

Security

The proposal includes introducing the first floor's flat main access within the principal elevation along Middleton Road, with the agent confirming via email dated 04.08.2023 that there will be no access to the first floor flat via the proposed rear elevation door. This will only be used in relation to the commercial unit along the ground floor. This is considered acceptable and not deemed to increase safety concerns for the occupants.

Climate Change

No parking is offered at the application site and it is anticipated that car ownership associated with the proposed flat is likely to be low.

Given that the proposal will result in an additional flat and due to its situation close to a busy public transport route, it is considered unlikely that there would be any harmful contribution to air quality or climate change.

Other matters

A series of conditions have been recommended by consultees in relation to: construction management, external plant and equipment, hours of use and delivery hours.

The proposals do not seek to alter the ground floor use of the property and it is therefore considered unreasonable to attach conditions relating to hours of opening and delivery hours for the established use. The proposed development is of small scale in nature and is not considered to be overly complex that would require a construction management plan to be provided in this instance. The proposals do not include for external plant and equipment and if any were to be proposed in the future these would require planning permission in their own right.

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:

Article 35 Declaration

Officers have worked with the applicant/agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application.

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

- 1) The development must be begun not later than the expiration of three years beginning with the date of 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:

Document: Application Form

Drawing: Elevations ref. SHEET 5

Drawing: Location Plan

All stamped as received by the City Council as Local Planning Authority on 09 June 2023

Drawing: Floor Plans ref. SHEET 4

Stamped as received by the City Council as Local Planning Authority on 23 August 2023

Document: Waste Management Proforma

Drawing: Waste Management Bin Storage

Stamped as received by the City Council as Local Planning Authority on 23rd August 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) The materials to be used on the external surfaces of the extension hereby permitted shall match those of the existing dwellinghouse in type, size, colour and texture.

Reason- To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, pursuant to saved policies DC1.1, DC1.2 and DC1.4 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

- 4) The development hereby approved shall be implemented in accordance with the waste management strategy as submitted in drawings submitted in drawings documented 'Waste Management Proforma and Waste Management Bin Storage' on 23rd August 2023. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use of development is in operation. No bins shall be stored on the highway, other than on the day of collection.

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

- 5) Notwithstanding details submitted shown on drawings documented 'Floor Plans ref. SHEET 4', received by the City Council as Local Planning Authority on 23rd August 2023, the first floor residential dwelling hereby approved shall not 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. Details shall include means of enclosure and security measures. 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 Manchester Core Strategy.

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the first floor flat hereby approved shall be used for 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 of C3(a).

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.

- 7) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from Middleton Road 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 and associated plant or equipment. 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.

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

Informatives

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. We recommend considering green SuDS components to mitigate for any loss of permeable area.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Salford City Council

7 Welford Road, Manchester, M8 4NZ
246 Middleton Road, Manchester, M8 4WA
5 Welford Road, Manchester, M8 4NZ
250 Middleton Road, Manchester, M8 4WA

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
Area Team Boundary - Name: NORTH AREA