

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133127/FO/2022

Date registered valid: 27 June 2022

Proposal: Change of use of the ground floor MOT workshop to car parking and the first floor yoga room to residential to form an enlarged first floor flat (2 bedrooms)

Address: 483 Barlow Moor Road, Manchester, M21 8AG

Ward(s): Chorlton Park Ward

Applicant: Mr Amjad Tahir

Agent (if any): Mr Amjad Tahir Aeys Associates UK Ltd

Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 18 April 2023



Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 2 August 2022

Standard consultations:

Printed: 27 June 2022 Expired: 18 July 2022

Neighbour notifications

Printed: 27 June 2022 Expired: 18 July 2022

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/areas

483 Barlow Moor Road consists of a three ground commercial uses at the front of the premises (barbers, heating shop and sandwich bar) with an MOT workshop at the rear. At first floor it consists of a flat and a yoga studio. Commercial uses are located on either side of the property, as well as to the front (on the opposite side of Barlow Moor Road) and rear (on the other side of an alleyway). Beyond these commercial uses there are predominantly residential areas.

Listed building: No

Conservation area: No

Tree Preservation Order: No

Description of development

The applicant is proposing to convert the first floor into a two bedroomed flat and convert the MOT workshop into a 9 space car park with a 9 cycle storage facility. The parking facilities would be used by residents of the first floor accommodation and customers of the ground floor commercial uses.

Consultations & Notification Responses

Local Residents/Businesses – One letter of objection has been received, summarised as follows:

- The application to change the use of this property because it will affect our business - our business will cease to exist if we don't have these premises to trade from.

Highway Services – Have made the following comments:

- In comparison to the former use, the level of trips generated is not anticipated to be dissimilar and as such no highways concerns are expected.
- The primary concern is in relation to the means of access by vehicles. Whilst the network of alleyways leading to the development are currently designated as highways (with plans to only allow vehicular access from Barlow Moor Road), we have concerns on the suitability of this alleyway as a means of access to the development. Highways acknowledges the proposals (under application 124236/FO/2019) to install TROs, have a Prohibition of Driving (with bollards) in place along the alleys leading from High Lane and Malton Avenue, but we retain concerns about the overall width of the routes and the overall suitability.
- It is recommended that standard parking bay dimensions be a minimum of 2.4m x 4.8m and disabled parking bay dimensions a minimum of 3.6m x 6.0m. This should also include a 6-metre aisle width to allow vehicles to safely manoeuvre within the car park with formal demarcation of all spaces.
- Vehicular access to the site is gained from the corner of the northern and western adopted alleyway. In order to facilitate access into the site, a new vehicular crossover will be required.
- It is requested that a minimum of 2 EV charging points are installed.

Environmental Health – Suggests the imposition of a number of conditions designed to protect residential amenity.

Policies

Core Strategy Development Plan Document – 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. Relevant policies in the Core Strategy are detailed below:

Policy SP1, *Spatial 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 and protect and enhance the built and natural environment.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of issues, in this instance the most relevant are considered as follows:-

- 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, 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.
- Flood risk and drainage.

Saved UDP Policy DC26, “Development and Noise” – Policy DC26.1 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:

- 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.

Policy DC26.2 states that 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.

Issues

Principle of the Proposal – There is no objection to the change of use of the first floor from a flat and yoga studio to a 2 bed self-contained flat. In terms of the loss of the MOT workshop, given the potential traffic movements and general activity associated with that use, there is no objection to the use of that part of the site as a resident/business car park.

Notwithstanding this, any potential impact upon residential amenity and pedestrian/highway safety must be assessed.

Space Standards – The City Council adopted the Manchester Residential Quality Guidance in December 2016 and within that document reference is made to the use of a combination of the Nationally Described Space Standards and the London Housing Design Guide space standards to form Manchester’s space standards for residential developments.

The proposed first floor flat would have approximately 114m² of floorspace. As this is in excess of the Space Standards’ requirements (61m² to 70m²), it is considered that the proposal complies with Manchester’s space standards.

Residential Amenity – It is not considered that the first floor use as a self-contained flat would have a detrimental impact upon existing levels of residential amenity.

In respect of the car parking use, as it is considered this would generate significantly fewer comings and goings and not be as noisy as an MOT testing workshop, it is not believed that this element of the proposal would have a detrimental impact upon the existing levels of residential amenity enjoyed within the vicinity of the site.

Car Parking – The car parking spaces are of the required size and sufficient manoeuvring space has been provided.

Vehicle Charging – As requested by Highway Services, two EV charging stations would be installed within the car park. This level of provision is considered acceptable.

A condition is proposed which would require the applicant to submit details of the charging units before the accommodation is occupied.

Pedestrian and Highway Safety – The applicant is proposing that users of the car park access it using the existing alleyways at the side and rear of the property. These alleyways (both adopted highways) have been used to access the MOT workshop and the repair garage opposite this site. The repair garage site is currently undergoing redevelopment for an office use.



Given the level of activity associated with a car park of the size proposed, it is not considered that the comings and goings of residents and customers would have an unduly detrimental impact upon the levels of pedestrian and highway safety enjoyed where the alleyway interacts with Barlow Moor Road and Malton Avenue. It be noted that Highway Services recognise the predicted traffic movements would not be dissimilar to that experienced with the MOT workshop.

In terms of access concerns, it has been confirmed that no bollards are to be installed at the Malton Avenue exit.

Refuse Storage – A condition (no. 3), requiring the submission of a waste management plan would be attached to any consent granted.

Cycle Parking – The level of the cycle parking provision is welcomed.

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 in a positive and proactive manner to resolve any matters arising in relation to dealing with the planning application.

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

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

- Drawing no. AA-01 (proposed first floor plan only), stamped as received on 31 May 2022
- Drawing no. A-004 rev 01 (proposed parking plan), stamped as received on 20 February 2023

- Drawing no. A-004 rev 01 (proposed parking plan blow-up), stamped as received on 20 February 2023

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

3) 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 - In the interests of amenity and public health, pursuant to Policy DM1 in the Manchester Core Strategy.

4) a) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from Barlow Moor 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 such as the ground floor commercial premises below the flat. The approved noise insulation and ventilation scheme shall be completed before any of the dwelling units are occupied.

b) Prior to first occupation of the residential units, a verification report shall be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that the internal noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the internal noise criteria.

Reason - 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 Policy DM1 in the Manchester Core Strategy and Saved UDP Policy DC26.

5) The car parking hereby approved shall be laid out, demarcated and made available prior to the occupation of the residential accommodation hereby approved.

Reason - In the interests of pedestrian and highways safety and to ensure the satisfactory development of the site, pursuant to Policy DM1 in the Manchester Core Strategy.

6) Above-ground construction works shall not commence until details of the electric vehicle charging units to be incorporated into the scheme have been submitted to and approved by the City Council as Local Planning Authority. The approved charging units shall be installed prior to the occupation of the accommodation hereby approved and thereafter retained in perpetuity.

Reason - To promote sustainable development and in the interests of residential amenity, pursuant to Policies DM1 and EN16 in the Manchester Core Strategy

7) The residential use hereby approved shall be used only as private dwellings (which description shall not include serviced properties or similar uses where sleeping accommodation (with or without other services) is provided by way of trade for money or money's worth and occupied by the same person for less than ninety consecutive nights) and for no other purpose (including any

other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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 private residential purposes and to ensure the achievement of the public benefit identified pursuant to policies SP1, DM1, EN3, H1, H6 and H11 of the Manchester Core Strategy and the guidance contained within National Planning Policy Framework including section 16.

Informatives

1) Informative for condition 3 - The flat will need 240L bins for general waste, pulvable waste, mixed recycling and a food caddy. Details of the internal and external bin storage areas are needed. Commercial and domestic bins should be stored separately.

2) Informative for condition 4 - 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:

- a) 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)
- b) Living Rooms (daytime - 07.00 - 23.00) 35 dB LAeq
- c) Gardens and terraces (daytime) 55 dB LAeq

The potential for overheating shall also be assessed and the noise insulation scheme shall take this into account.

Appendix 1 – List of consultees & neighbours notified

Highway Services

Environmental Health

Chorlton Voice

485 Barlow Moor Road, Manchester, M21 8AE

380 Barlow Moor Road, Manchester, M21 8AZ

380A Barlow Moor Road, Manchester, M21 8AZ

Vehicle Repair Workshop Rear Of 483A, Barlow Moor Road, Manchester, M21 8AG

Miller Autos Rear Of 485, Barlow Moor Road, Manchester, M21 8AG

378A Barlow Moor Road, Manchester, M21 8AZ

372A Barlow Moor Road, Manchester, M21 8AZ

370A Barlow Moor Road, Manchester, M21 8AZ

481A Barlow Moor Road, Manchester, M21 8AG

Flat 1, 485 Barlow Moor Road, Manchester, M21 8AG

483A Barlow Moor Road, Manchester, M21 8AG

Front, 483A Barlow Moor Road, Manchester, M21 8AG

Ground Floor, 483 Barlow Moor Road, Manchester, M21 8AG

First Floor, 483 Barlow Moor Road, Manchester, M21 8AG

378 Barlow Moor Road, Manchester, M21 8AZ

374 - 376 Barlow Moor Road, Manchester, M21 8AZ

372 Barlow Moor Road, Manchester, M21 8AZ

370 Barlow Moor Road, Manchester, M21 8AZ

481 Barlow Moor Road, Manchester, M21 8AG

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
Area Team Boundary - Name: SOUTH