

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135571/FO/2022
Date registered valid: 12 December 2022
Proposal: Change of use from dwelling (Class C3) to foodbank
Address: 54 Mersey Bank Avenue, Manchester, M21 7NN
Ward(s): Chorlton Park Ward

Applicant: Miss Maureen Ward Southway Housing Trust
Agent (if any):
Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 6 February 2023



Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 6 February 2023

Standard consultations:

Printed: 6 January 2023 Expired: 27 January 2023

Neighbour notifications

Printed: 6 January 2023 Expired: 27 January 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/area

54 Mersey Bank Avenue is a 2 storey end-terraced residential property located at the eastern end of the Mersey Bank local centre. Formerly a shop, it was converted into a dwelling then temporarily converted into a site office/welfare centre in 2020 (127186/FO/2020). 54 Mersey Bank Avenue was also used by the applicant during their response to the Covid-19 pandemic. Apart from this mixed residential and commercial terrace, the area is predominantly residential in nature, with dwellings located opposite the site and on the adjoining roads.

Listed building: No

Conservation area: No

Tree Preservation Order: No

Description of development

The applicant is seeking consent to turn the property into a foodbank.

Consultations & Notification Responses

Local Residents/Businesses – No comments received.

Highway Services – Have made the following comments:

- It is understood that the proposals would not have an impact on the approved pedestrian access, circulation or the external highway network.
- No off-street parking is available. Merseybank Avenue and Whiteholme Avenue are largely unrestricted and therefore vehicles are likely to park on-street within the vicinity of the property. Highways acknowledge that parking demands associated with the site are likely to be short-stay.

Environmental Health – No objections so long as the use does not operate early in the morning.

Policies

The National Planning Policy Framework July 2021 (NPPF) – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. 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.

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.

Issues

Principle of the Proposal – There is no objection in principle to the proposed change of use, given the public service that would be on offer. Notwithstanding this, any potential impact upon residential amenity, as well as pedestrian and highway safety must be assessed.

Residential Amenity – There was some initial concern that the use would operate early in the morning but the applicant has stated that the food bank would only open between 0930hrs to 1530hrs on Mondays to Fridays. While this is acceptable, it is felt prudent to give the applicant slightly longer hours in order to cope with the unexpected demand. The hours proposed under condition no. 3 are:

0900hrs to 1700hrs Mondays to Saturdays
0900hrs to 1500hrs Sundays and Bank Holidays

It is not considered that the opening of the foodbank during these hours would have a detrimental impact upon the levels of residential amenity enjoyed by occupants of those dwellings nearest to the site.

Visual Amenity – The proposed change of use would not have a detrimental impact upon the levels of visual amenity enjoyed within the vicinity of the site.

Pedestrian and Highways Safety – It is recognised that the proposed change of use would not generate such concentrated traffic movements to and from the site so as to have a detrimental impact upon the existing levels of pedestrian and highway safety enjoyed along Mersey Bank Avenue.

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 applications form, location plan and floor layout drawings stamped as received on 23 November 2022.

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

0900hrs to 1700hrs Mondays to Saturdays
0900hrs to 1500hrs Sundays and Bank Holidays

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

71 Mersey Bank Avenue, Manchester, M21 7NT
69 Mersey Bank Avenue, Manchester, M21 7NT
65 Mersey Bank Avenue, Manchester, M21 7NT
63 Mersey Bank Avenue, Manchester, M21 7NT
73 Mersey Bank Avenue, Manchester, M21 7NT
Flat At, Mersey Bank Post Office, 48 Mersey Bank Avenue, Manchester, M21 7NN
46A Mersey Bank Avenue, Manchester, M21 7NN
Flat Above, 54 Mersey Bank Avenue, Manchester, M21 7NN
Flat Above, 50 Mersey Bank Avenue, Manchester, M21 7NN
52 Mersey Bank Avenue, Manchester, M21 7NN
30 Whiteholme Avenue, Manchester, M21 7PH
26 Whiteholme Avenue, Manchester, M21 7PH
Mersey Bank Post Office, 48 Mersey Bank Avenue, Manchester, M21 7NN
67 Mersey Bank Avenue, Manchester, M21 7NT
34 Whiteholme Avenue, Manchester, M21 7PH
32 Whiteholme Avenue, Manchester, M21 7PH
28 Whiteholme Avenue, Manchester, M21 7PH
24 Whiteholme Avenue, Manchester, M21 7PH
22 Whiteholme Avenue, Manchester, M21 7PH
50 Mersey Bank Avenue, Manchester, M21 7NN
46 Mersey Bank Avenue, Manchester, M21 7NN

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 AREA