

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135006/FO/2022

Date registered valid: 12 October 2022

Proposal: Change of use from restaurant ancillary accommodation to a dwelling house

Address: 10 Warburton Street, Manchester, M20 6WA

Ward(s): Didsbury East Ward

Applicant: Richard Williams I Goodman (Properties) Ltd 121 Wooley Bridge Road, SK13 1PZ

Agent (if any): Mr Richard Williams, Williams Architecture 88 Cherry Lane, WA13 0PD

Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 07.12.2022

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 2 November 2022

Standard consultations:

Printed: 20 October 2022 Expired: 10 November 2022

Neighbour notifications

Printed: 20 October 2022 Expired: 10 November 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The application site currently forms a two storey end of terrace property providing space for an adjoining restaurant. The property currently has boarded up door and window openings on the Warburton Street frontage, the property is of brick construction currently finished with white paint. The remnants of a fascia board are located above the boarded up front door and window.



The terrace of properties in this location are in commercial use with the adjacent property being in use as a card and gift shop. Other small scale uses are located further west along Warburton Street on the opposite side of the narrow cobbled street that leads onto Wilmslow Road and the wider Disbury District Centre beyond. To the north of the application property is a public pay and display car park with the Didsbury metrolink line beyond, the Didsbury Village tram stop is approximately 150 metres to the south-east of the property. As well as the restaurant bar that lies immediately adjacent the rear, there are other night time uses in close proximity to the property including the Dog and Partridge public house at the Warburton Street/Wilmslow Road junction and the Botanist bar/restaurant.

Description of development

The application proposals seek the change of use of the application property to a residential use in the form of a two bedroom two storey cottage accommodation. The proposals would include an internal bin store and ground floor living accommodation with bedrooms located on the first floor over approximately 62sqm of floorspace. The existing boarded up windows and doors would be opened up to provide natural daylight and access into the property, and the wooden front fascia board would be removed. No amenity space and no off street car parking would be provided.

Relevant Planning History

026731 - Conversion of first floor storeroom over No 10, Warburton Street into toilet facilities in connection with the existing restaurant at No 12, Warburton Street - Approved 07.07.1986
 029387 - Change of use from shop premises to form extension to existing restaurant - Approved 03.09.1987

Consultations & Notification Response

Neighbouring properties were notified of the proposals 1 response was received a summary of the points raised is set out below:

- The whole block of properties are currently and have always been retail units, this change would be out of character with the rest of the properties in this street.

- This unit is an integral part of the restaurant and has been for 40 years.
- There is no private parking for motor vehicles in the area surrounding this property and no facilities for domestic waste bins

MCC Environmental Health - Do not raise any objections but recommend an acoustic insulation condition be attached to any decision and that the proposed arrangements for waste bins is acceptable.

MCC Highway Services - The site is considered to be highly accessible by sustainable modes and is in close proximity to a range of public transport facilities including bus and tram. Waste management arrangements are acceptable to us. Pedestrian access proposals are acceptable to Highways.

A recommendation is made for a construction management plan to be a condition of approval. However in this instance give the relatively small scale nature of the proposals it is not considered reasonable to attach such a condition in this instance. It is noted that public car parking is available for construction / maintenance vehicles to utilise and an informative relating to any required scaffolding or temporary traffic management arrangements is to be appended to any approval of the application.

Policy

Manchester Core Strategy Development Plan Document, 2012

The Core Strategy, adopted in July 2012, is the key Development Plan Document against which proposals should be judged. Core Strategy objectives and policies of particular relevance to the application include:

- Policy DM1 'Development Management' which sets out various issues that development should have regard to, including amongst other things, appropriate siting, layout, scale, form, massing, materials and detail; and, effects on amenity.
- Policy SP 1 'Spatial Principles' which states that the Regional Centre will be the focus for economic development alongside high quality city living. Development should enhance/protect the built/natural environment, reuse previously developed land wherever possible and enhance or create character.
- Spatial Objective SO3 'Housing' which seeks the provision of a significant increase in high quality housing provision at sustainable locations to address demographic needs and support economic growth.
- Policy C 2 'District centres' Development will support thriving district centres, with distinct local character, providing a good range of accessible key services, including retail, health facilities, public services, leisure activities and financial and legal services. Housing will also be considered an appropriate use within District Centres, providing it supports the vitality and viability of the centre.
- Policy C 6

South Manchester District Centres - Chorlton, Didsbury, Fallowfield, Levenshulme and Withington - In Didsbury, redevelopment opportunities for new development within and on the edge of the centre will be supported, provided they will enhance the range and quality of retail and dining and complement the overall character of the centre.

- Policy H6 'South Manchester' states that over the lifetime of the Core Strategy, will accommodate around 5% of new residential development. High density development in South Manchester will generally only be appropriate within the district centres of Chorlton, Didsbury, Fallowfield, Levenshulme, and Withington, as part of mixed-use schemes. Outside the district centres priorities will be for housing which meets identified shortfalls, including family housing and provision that meets the needs of elderly people, with schemes adding to the stock of affordable housing.

- Policy T2 'Accessible Areas of Opportunity and Need' which seeks to ensure that new development is easily accessible by walking/cycling/public transport; provided with an appropriate level of car parking; and, should have regard to the need for disabled and cycle parking.

Manchester Residential Quality Guidance

The Manchester Residential Quality Guidance was adopted following the meeting of the Council's Executive Committee on 14 December 2016. The design guidance is a material consideration in the determination of planning applications and sets out the space standards required to ensure quality in residential schemes coming forward. The design guidance is intended to provide a clear indication on what is required to deliver sustainable neighbourhoods of choice where people will want to live and also raise the quality of life across Manchester.

National Planning Policy Framework (NPPF)

The updated National Planning Policy Framework (NPPF) was published in June 2019 and sets out the government's objectives for achieving sustainable development. Paragraph 8 confirms that there are three dimensions to sustainable development; economic, social and environmental. The relevant sections of the NPPF are discussed below:

Delivering a sufficient supply of homes (Chapter 5) - paragraph 59 explains that in order to support the government's commitment to significantly boosting the supply of homes it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

The NPPF is clear at paragraph 11 that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites or the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years.

Promoting healthy communities (Chapter 8) - the planning system can play an important role in facilitating social interaction and creating healthy, inclusive and safe communities. Planning decisions should aim to achieve places which promote, amongst other things, safe and accessible developments, where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

Promoting sustainable transport (Chapter 9) - to protect and exploit opportunities for the use of sustainable transport modes, development should be located and designed to give priority to pedestrian and cycle movements and have access to high quality public transport facilities.

Making effective use of land (Chapter 11) - the NPPF recognises the need for the planning system to promote an effective use of land in meeting the need for homes and other uses. This section emphasises the need to give substantial weight to the value of using suitable brownfield land for new homes, and to promote the development of underutilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Achieving well-designed places (Chapter 12) - this chapter sets out at paragraph 127 that planning policies and decisions should aim to ensure that developments which will function well and add to the overall quality of the area, and create places that are safe, inclusive and accessible and which promote health and well-being.

Decision taking - guidance in paragraph 38 states that local planning authorities should approach decision-taking in a positive and creative way. They should work proactively with planners to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Issues

Principle of development - The proposed use would bring an additional residential unit into use. The precedent for residential is already established along Warburton Street and surrounding streets. The current property is used as ancillary space for an adjacent leisure/night time use and as such does not present an active frontage to Warburton Street. The principle of residential uses within district centres is generally considered acceptable and is supported by core strategy policies on district centres. To ensure the property adds to the housing supply within the area it is proposed to attach a condition to not allow short term holiday letting of the property and that the property is occupied as a residential dwellinghouse as set out within the submitted application forms.

In this instance the loss of the ancillary commercial floorspace to a residential use within the District Centre is considered acceptable subject to consideration of the issues set out below.

Residential amenity – The proposed residential unit would be located within the district centre in close proximity to night time uses and nearby metrolink lines. As such the noise environment would be expected to differ from more suburban residential areas. Residential uses are located close to the application property with similar relationships to the district centre mix of commercial uses. It is considered necessary in this instance and as recommended by Environmental Health to ensure that the property is subject of an acoustic insulation scheme to minimise impacts from the surrounding noise generating uses. A pre-commencement condition has been recommended by Environmental Health and agreed by the applicant's agent. As such it is considered that residential amenity can be protected by suitable acoustic insulation measures.

It is noted that the property would fall below the usual residential standards for a two storey residential unit, in this case the floorspace would be 62sqm. The property is limited by the built form of the building and the extent of the site as such the proposals are considered acceptable in this instance.

Visual amenity – The application proposals would utilise the existing building and open up existing doorways and window openings. It is considered that the proposals would not give rise to unacceptable impacts on residential amenity.

Car parking -The proposals do not incorporate car parking. Given the properties location within the district centre it is considered that there is access to a range of non-car modes of transport. Wilmslow Road provides access to the wider bus network and metrolink services are also within walking distance from the property. Highway Services raise no objection to the proposals from a highway or pedestrian safety point of view and are satisfied that the site is in a highly sustainable location.

Waste Management - The provision of an internal bin store is considered acceptable for this residential unit and has been confirmed by Environmental Health. Given the limited extent of the site this is considered to be the only solution to ensure bins are not kept on the street.

Conclusion - The proposed use is one that is compatible with the surrounding area, it is necessary for the proposals to be subject of a condition to ensure they are appropriately acoustically insulated to protect the residential amenity of occupiers.

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

The application has been determined in a positive and proactive manner, in this instance the application has been determined within statutory timescales.

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 references: WA 89 22 06 'Proposed Elevations' as received on the 21st September 2022

WA 89 22 04 Rev A 'Proposed ground and first floor plans'; WA 89 22/02 Rev A Block Plan; Waste Management Strategy all as received on the 12th October 2022

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) a) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise the local traffic network, including the tramline 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 nearby restaurants and bars.

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 pursuant to Core Strategy policy DM1 and saved Unitary Development Plan policy DC26.

4) The details of the approved waste management scheme as set out within the approved plans and documents 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 of the Core Strategy.

5) 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 – For the avoidance of doubt and to reflect the information divulged within the planning application and to ensure the proposals contribute towards the housing supply for the city pursuant to policy H1 and H6 of the adopted Core Strategy.

Informatives

1) In order to discharge the acoustic insulation condition attached to this decision the following should be included within any submitted scheme:

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)
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Living Rooms (daytime - 07.00 - 23.00)	35 dB LAeq
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Gardens and terraces (daytime)	55 dB LAeq
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Additionally, where entertainment noise is a factor in the noise climate the sound insulation scheme shall be designed to achieve internal noise levels in the 63Hz and 125Hz octave centre frequency bands so as not to exceed (in habitable rooms) 47dB and 41dB (Leq,5min), respectively.

2) The applicant is advised that any requirements for licensing, hoarding / scaffolding, building maintenance and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Solita, 12 Warburton Street, Didsbury, Manchester, M20 6WA
11 Warburton Street, Didsbury, Manchester, M20 6WA
15 Warburton Street, Didsbury, Manchester, M20 6WA
17 Warburton Street, Didsbury, Manchester, M20 6WA
9 Warburton Street, Didsbury, Manchester, M20 6WA
6 Warburton Street, Didsbury, Manchester, M20 6WA

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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA