

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132647/FO/2022

Date registered valid: 18 January 2022

Proposal: Retention of three storey building to form ground floor retail shop (use class E) , 2 no. one bedroom flats at first floor and 1 no. three bedroom flat at second floor

Address: 121-123 Clarendon Road, Manchester, M16 8JD

Ward(s): Whalley Range Ward

Applicant: Mrs Zanerah Rasul, 121-123 Clarendon Road, Manchester, M16 8JD

Agent (if any): M Farooq, Building Design Services, 6 Stock Close, Rochdale, OL12 6BB

Case officer: Dave Morris
Tel: 0161 600 7924
Email: dave.morris@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 07.09.2022

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit: 11 February 2022

Standard consultations:

Printed: 24 January 2022 Expired: 14 February 2022

Neighbour notifications

Printed: 24 January 2022 Expired: 14 February 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

The application relates to a recently constructed three storey end of parade development, occupying what was a cleared site previously comprising two commercial units with residential over.

The development comprises a commercial ground floor with residential accommodation comprising two one bed and one three bed flats on the upper floors. The ground floor contains two display windows and four windows grouped in pairs on both the first and second floors of the front elevation. On the side elevation there is a door and a small window at ground floor level and the first and second floors each have a single full sized window and three small windows. At the rear of the property is a yard accessed off Churchill Avenue which contains separate access points to the flat and the commercial unit. In the rear elevation there are two doors, one each for the residential and commercial accommodation. There is also a single window on each of the first and second floors.

The display windows and doors all have externally mounted security shutters.



Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

This is a small local parade comprising five other units on the south side of Claremont Road between Churchill and Blenheim Avenues. To the rear of the site are the end gables of residential terraces on the same avenues. Facing the site across Claremont Road is the rear boundary wall to the British Muslim Heritage Centre, which is a Grade II* Listed Building. The heritage centre is also within the Whalley Range conservation area.

Planning History

In August 2016 planning permission reference 112501/FO/2016/S1 was granted for the erection of three-storey building to form shop (A1) at ground floor level and two x one-bedroom flats and first floor level and one x three-bedroom flat at second floor level. The approval was subject to a

number of conditions including pre commencement conditions in respect of contaminated land, materials and secured by design.



There is also an invalid application reference CDN/21/0792 which seeks to discharge the refuse storage condition

Description of development

The development approved in 2016 was not built in accordance with the approved plans. The principle differences being

- The building was higher to the ridge level.
- There are externally mounted shutter boxes.
- Artstone headers and sills to the windows have been omitted
- The entrance to the flats moved to the rear elevation.
- The windows in the side and rear elevations changed in terms of their size

This application seeks consent for the building as built and to obtain approval as to the materials, the contaminated land survey, refuse storage and security.



In response to concerns raised the entrance to the flats has been repositioned to the side elevation, the shutter boxes mounted internally and the refuse storage revised to provide satisfactory segregated arrangements for the residential and commercial units.

Consultations & Notification Responses

Local Residents/businesses

One letter has been received objecting to the proposed development. The issues raised are summarised below.

- Concern is expressed about the accuracy of some of the general statements about the area found in the Planning Statement
- The detailing on the project is poor and the applicant in seeking approval for a very poorly designed and even more poorly executed scheme.
- They object to the external roller shutters as they present a very negative facade when the retail units are closed.
- The main objection is the street frontage to Clarendon Road and the treatment of the public realm that is part of this site. The roller shutters are inappropriate and detrimental to the character of the street. There is no mention of how the public realm to the front of the building is to be treated, given the proliferation of terrible parking in the area I would ask that the applicant provide bollards to prevent parking on the pavement.

Environmental protection

The revised refuse storage and collection details are acceptable. Condition requested in respect of the acoustic insulation of any external plant, opening hours and delivery times.

Highways.

- It should be confirmed that there is no projection from the roller shutters onto the adopted highway.
- Pedestrian access into the shop and flats will be provided directly from Churchill Avenue. For the avoidance of doubt, all external entrance doors/gates (with the exception of fire doors) should be inwardly opening in order to prevent obstruction on the adjacent footway.
- In order to cater for disabled access into the shop, any ramps and doorways should be constructed in-line with MCC Design for Access 2 standards.
- The majority of residential properties nearby to the site are terraced and do not have access to off-street car parking. As such, a high level of on-street car parking was observed on Clarendon Road and Churchill Avenue. As no on-site car parking is proposed, it is likely that any vehicles associated with the proposed development will add to the on-street car parking demand on nearby streets.
- To encourage sustainable travel, it is recommended that consideration is given to the provision of secure on-site cycle parking facilities.
- The arrangements described for the storage and collection of waste are acceptable in principle.
- A Construction Management Plan should be provided by the applicant prior to any construction works beginning.

Greater Manchester Police Design for Security.

No comments received.

Policy

Core Strategy

The following core strategy policies are relevant to this development. SP1, H1, H6, EN1 and DM1

Policy SP1. This policy sets out the key spatial principles which will guide the strategic development of Manchester and states that outside the City Centre and the Airport the emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs. It also sets out the core development principles, including: creating well designed places, making a positive contribution to health, safety and well-being, considering the needs of all members of the community, and protecting and enhancing the built and natural environment.

Policy H1. Proposals for new residential development should contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing population. The design and density of a scheme should contribute to the character of the local area and should include usable amenity space and be designed to give privacy to both residents and neighbours. Priority should be given to sites which are in close proximity to centres of high frequency public transport routes and to the re-use of previously developed sites in sustainable locations.

Policy H6. South Manchester will accommodate around 5% of new residential development over the lifetime of the Core Strategy. 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.

Policy EN1 - Design Principles and Strategic Character Areas

Development in Manchester will be expected to have regard to the strategic character area in which the development is located. Opportunities for good design should be fully realised, particularly on major radial routes.

Policy DM1. The policy covers issues which need consideration, and those relevant here include: siting, scale, materials and details, effects on amenity and vehicular access and car parking. These issues are given consideration later in the report.

Issues

Principle

The principle of the proposed development was established with the granting of planning permission reference 112501/FO/2016/S1. This application seeks to address changes between the approved scheme and what has been built.

The building was higher to the ridge level. The eaves height is approximately the same as for the adjoining building. The additional ridge height being attributable to a slightly steeper pitch. From the street it is the eaves that are more readily visible and on balance it is considered that the additional height of the ridge will not have a significant impact on the street scene.

There are externally mounted shutter boxes. Whilst the shutters on the front elevation overhang the private forecourt that on the side overhangs the footpath. Despite being powder coated the front shutter boxes are considered to be intrusive. The one on the side which has a galvanised finish more so. The applicant has agreed to reposition the shutter boxes internally. This is considered acceptable and an appropriate condition is proposed.

Artstone headers and sills to the windows have been omitted. Whilst the original approved scheme had Artstone headers and sills as a homage to the adjoining property. Those on the adjacent property are quite decorative and the one proposed were to be much simpler. It is considered that omitting the artstone sills does not significantly detract from the appearance of what is clearly a modern building.

The entrance to the flats moved to the rear elevation. The applicant has amended the scheme and a new entrance to the flats will be created in the side elevation, as per the original scheme. This is considered to be acceptable and an appropriate condition is proposed.

The windows in the side and rear elevations changed in terms of their size. Six of the eight windows in the side elevation have been reduced in scale. Thus whilst the area of windows has declined the number remains the same and it is considered that this is sufficient to retain some interest in the side elevation. The rear elevation is less prominent and the reduction in the size of the windows is not considered an issue.

Refuse

The scheme for the storage of refuse has been amended and now provides for segregated waste storage for the commercial and residential uses. This is considered acceptable.

Cycle Parking

The original scheme made no provision for cycle parking and this has been carried through. The yard is fully taken up with refuse storage although there is a limited amount of space in the foyer to the flats that could be used. Whilst this is not ideal the constraints are a result of the earlier consent.

Security

No response has been received from GMP however, the entrance to the flat has been moved to the side of the property rather than the rear yard and the proposed locks etc are up to current specifications.

CMP

As the development is substantially complete it would not be practicable to attach a CMP condition.

Conclusion

It is considered that subject to the amendments described the proposed development would be acceptable.

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 based on seeking solutions to issues arising from the consideration of this 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:

1071A/1 received 18 March 2022

1071A/2 received 18 March 2022

Contaminated Land Phase 1 Desk Study and appendices by Martin Environmental Solutions dated September 2021, reference 2168-1 received 18 January 2022.

Waste Management Strategy and additional information received 2 March 2022, 18 March 2022, 20 April 2022 and 9 May 2022.

Planning Statement by BDS dated October 2021 received 5 January 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) The development hereby approved shall be constructed using the materials specified in the Planning Statement by BDS received on 5 January 2022.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

4) Before use of the retail unit commences, the hours of operation shall be submitted to and approved in writing by the local planning authority, and the use shall not operate outside the agreed hours.

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 Core Strategy.

5) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 7.30 am to 8.00pm Monday to Saturday, and no deliveries/waste collections on Sundays or Bank Holidays.

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy.

6) Within three months of the date of this permission, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to Policies SP1 and DM1 of the Core Strategy..

7) Before the development hereby approved is first occupied a Completion/Verification Report shall be submitted to and approved in writing by the City with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to Policies SP1 and DM1 of the Core Strategy..

8) Within three months of the date of this permission the development as built shall be modified to accord with the details shown on the approved drawings.

Reason - To ensure that the development accords with the Council's principles for an acceptable development as set down in Core Strategy policy DM1.

9) The development hereby approved shall incorporate the security measures identified in the Planning Statement by BDS received on 5 January 2022

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

10) 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 interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

131 Clarendon Road, Manchester, M16 8JD
British Muslim Heritage Centre, College Road, Manchester, M16 8BP
Flat 2, 119 Clarendon Road, Manchester, M16 8JD
Flat 1, 119 Clarendon Road, Manchester, M16 8JD
129 Clarendon Road, Manchester, M16 8JD
119 Clarendon Road, Manchester, M16 8JD

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