

Application Number	Date of Appln	Committee Date	Ward
089478/FO/2009/N1	2nd Apr 2009	25th Jun 2009	Moston Ward

Proposal Change of use from single dwellinghouse to shop on ground floor (Class A1) with a single self-contained apartment on first and second floors. Installation of new shop front and associated external alterations

Location 348 Moston Lane, Moston, Manchester, M40 9JS

Applicant Mr John Gorman, 68 Old Church Street, Newton Heath, Manchester, M40 2JF

Agent Mr Dave Trudgeon, 17 Loring Street, Newton Heath, Manchester, M40 1WU

Description

This application was deferred by the Planning and Highways Committee at its meeting held on 28 May 2009 in order to allow further consultations to be carried out with ward members.

This application relates to a vacant property in a block of eight commercial buildings situated on the south side of Moston Lane between Ivy Street and Stovell Road, close to the junction with Kenyon Lane. The property is positioned between a hot food take away shop and a barbers/video shop. There are two other active shops situated in this block plus a hot food take away shop currently advertised to let and two empty properties that have permission for retail use on the ground floor. There are 15 further shops including a vet to the east of this block, extending towards Scarborough Street, which are well established businesses with no vacant premises. The former Co Operative store situated at the junction of Moston Lane and Kenyon Lane has been closed for a year and has moved to larger premises closer to the main concentration of shops on Moston Lane. There is an alleyway at the rear of the application property that separates it from terraced houses to the south. St Dunstan's RC Church is situated on the opposite side of Moston Lane together with a row of terraced houses with a well tended area of incidental open space forming an island between Moston Lane and Worsley Avenue.

The proposal involves creating a retail unit on the ground floor with a flat above and forming a second bedroom in the roof space. A new shop front will be installed to form a new door into the retail unit. The existing door onto Moston Lane will be kept to provide access to the first floor flat. It is expected to create two new jobs and the proposed opening hours are 8.00am to 10pm.

Planning permission to change the use of the ground and first floor of the application property from a dwellinghouse to office together with conversion of the roof area to a second mezzanine to be used in conjunction with office use, together with creation of a shop front and creation of a green roof was approved in November 2005 under ref 076821/FU/2006/N1.

Consultations

Local Residents/ Businesses. No Objections .

Councillor P Murphy objects to the conversion as he considers that there are already a number of convenience stores on Moston Lane and is opposed to taking much needed housing for commercial use.

North Manchester Regeneration Team do not support the conversion of this residential property to a shop. There are over a hundred shops units on Moston Lane with a current vacancy rate of 11%. The number of vacant shops has reduced in the last few years but cannot see any justification for creating new shop units when there are already sufficient for a secondary service cluster such as Moston Lane.

Head of Regulatory Services - Environmental Health has recommended that standard conditions to cover the times of deliveries, servicing and collections, including waste collections, fume/odour discharge details, opening hours to be as applied for, the building and any externally mounted equipment to be acoustically insulated and details for storage of refuse.

The Head of Engineering has raised concerns about the bin storage details and vehicular servicing.

Issues

Planning Policy Statement Note 6 (PPS6): Town Centres and Retail Development

Government guidance on retail development seeks to promote new retail proposals within existing town centres and other retail centres identified in development plans, and to protect the vitality and viability of existing retail centres. This property is within a commercial block that forms part of the Moston Lane local centre.

North West of England Regional Spatial Strategy for 2021

Policies DP1 Spatial Principles, DP2 Promote Sustainable Communities. DP3 Promote Sustainable Economic Development, DP4 Make the Best Use of Existing Resources and Infrastructure, DP5 Manage Travel Demand, Reduce the need to travel and increase accessibility. DP7 Promote Environmental Quality are all relevant.

Unitary Development Plan Policies. No specific reference is made about the site.

HC1 In deciding its attitude to proposals within Harpurhey, Lightbowne and Collyhurst, the Council will have regard to the general policies in Part 1 of the plan in order to:-

a. secure the successful overall redevelopment of the Monsall area stretching from Rochdale Road to Grimshaw Lane;

- b. improve the quality of the local environment;
- c. encourage new housing development and improve the quality of the existing housing stock;
- d. provide adequate and accessible community facilities for all members of the community, particularly those with special needs;
- e. create employment opportunities;
- f. improve accessibility to employment and shopping facilities;
- g. provide new and affordable housing for local people;
- h. target, public and private resources into the area in order to tackle problems of low quality housing, poor environment and derelict land.

Policy H2.2 states that the Council will not allow development, which will have an unacceptable impact on residential areas. The matters that the Council will consider will include the scale and appearance of the development and its impact in terms of noise, vibration, traffic generation, road safety and air pollution.

S2.1 The Council recognises the importance of good quality local and convenient shopping facilities within easy reach of people's homes and will seek to ensure that all parts of the City are well provided for and that facilities are accessible to disabled people. New shops to meet local needs will be encouraged where current provision does not adequately meet requirements.

Objective: To ensure the provision of a full range of shopping facilities for all people in the City.

Reason: Low levels of private car ownership in the City (60.4% of households did not have access to a private car in 1981) mean that there is a clear need for basic provision within easy reach of people's homes (no more than half a mile away) which meets local needs for a range of shopping choice.

Principle of Retail Use on the Ground Floor. This particular block of properties between Ivy Street and Stovell Road is commercial in character. Planning permission to use the ground floor of this property for office purposes was granted in November 2005. It is understood that the applicant does not have a tenant in mind at the present time but may look to market it as a convenience store should planning permission be granted.

The concerns expressed by both Councillor Murphy and the North Manchester Partnership are understood. However, there have been other approvals for the conversion of houses into commercial properties in the past few years within this parade and the application property remains the last house within this block of properties. It would be extremely difficult to resist the conversion of this house based on the assessment of vitality and viability of surrounding

commercial premises and the impact on the Moston Lane local retail centre. It is also the case that the existing house is next to a hot food take away and other commercial properties, and does not offer the most appropriate setting in terms of residential amenity for future residents. The loss of a family house is acknowledged but given its location it would be difficult to refuse the application on this basis.

There does seem to be continued pressure to convert houses to shops on Moston Lane as for example an application to convert 292 Moston Lane into a shop on the ground floor which is close to the main concentration of shops was submitted earlier this year ref 088579/fu/2008/n1. This is an end terrace house in a block of residential properties. It was considered that this property should be retained as a dwelling to stop the encroachment of retail into this block and as it would lead to disamenity to existing residents due to the disturbance from an increase in coming and goings and was subsequently refused. Moston Lane is a long local retail centre with some residential blocks mixed in with the shops. In these circumstances it is important to look at each individual proposal on its own merits. In this case the application property is in a commercial block where planning permissions have been granted for other similar conversions and therefore it is considered that a retail unit on the ground floor with flat above is acceptable in these particular circumstances.

Servicing

The servicing for the shops in this block currently takes place on street and it is considered this arrangement will be satisfactory for the proposed new retail unit. It is recommended that a condition requiring submission details for storage of refuse is attached should planning permission be granted.

Impact on Residential Amenity/Loss of Residential Accommodation.

The proposal involves the formation of a two bedroom flat above the retail unit. The continued use of the ground floor for residential purposes is not ideal given that there is a hot food take away shop next to the property with associated disturbance due to comings and goings late at night.

Access for Disabled People.

The approach to the shop will be as existing but the entrance is to be graded up to the entrance door to provide level access to the shop.

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 the right to a fair hearing and to this end the Committee 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 Unitary Development Plan, the Head of Planning 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. He believes that any restriction on these rights posed by the approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation APPROVE

APPROVE on the basis that the proposal accords with the development plan in particular policies S2.1 and H2.2 of the City Council's Unitary Development Plan for the City of Manchester and there are no material considerations of sufficient weight to indicate otherwise.

Conditions and/or Reasons

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 unless otherwise agreed in writing by the City Council as Local Planning Authority: proposed plans and proposed elevations stamped as received on 25 March 2009

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2 of the Manchester Unitary Development Plan.

3) No development shall commence until a scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council as local planning authority. 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 interest of amenity pursuant to policy H2.2 of UDP.

4) The premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

8.00am to 10.0pm each day

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

5) Before first occupation of the development the building, together with any externally mounted ancillary equipment, shall be acoustically insulated in

accordance with a scheme submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the Manchester Unitary Development Plan.

6) Deliveries, servicing and collections, including waste collections, shall not take place outside the following hours:

07:30 to 20:00 Monday to Saturday

no deliveries/waste collections on Sundays/Bank Holidays

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to UDP policy H2.2

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 089478/FO/2009/N1 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

Engineering Services

Environmental Health

North Manchester Regeneration Team

1 Ivy Street, Manchester, M40 9LN

340 Moston Lane, Manchester, M40 9JS

342 Moston Lane, Manchester, M40 9JS

344 Moston Lane, Manchester, M40 9JS

350 Moston Lane, Manchester, M40 9JS

2 Stovell Road, Manchester, M40 9LL

4 Stovell Road, Manchester, M40 9LL

403 Moston Lane, Manchester, M40 9PA

401 Moston Lane, Manchester, M40 9PA

399 Moston Lane, Manchester, M40 9PA

397 Moston Lane, Manchester, M40 9PA

395 Moston Lane, Manchester, M40 9PA

393 Moston Lane, Manchester, M40 9PA

1 Worsefold Street, Manchester, M40 9PB

391 Moston Lane, Manchester, M40 9PA

County Wallpapers, 338 Moston Lane, Manchester, M40 9JS

3 Ivy Street, Manchester, M40 9LN

K J Black, 356 Moston Lane, Manchester, M40 9JS

356a, Moston Lane, Manchester, M40 9JS

2 Ivy Street, Manchester, M40 9LN

Dental Surgery, 334 Moston Lane, Manchester, M40 9JS

336 Moston Lane, Manchester, M40 9JS
3 Stovell Road, Manchester, M40 9LL
1 Stovell Road, Manchester, M40 9LL
British Balti Take Away, 354 Moston Lane, Manchester, M40 9JS
352a, Moston Lane, Manchester, M40 9JS

Representations were received from the following third parties:

Relevant Contact Officer : David Hughes
Telephone number : 0161 234 4636
Email : d.hughes3@manchester.gov.uk