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<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
089750/FO/2009/S1	22 Apr 2009	23rd Jul 2009	Rusholme Ward

**Proposal** Retention of 2 storey building comprising retail (Class A1) on the ground floor with storage over, including elevational alterations

**Location** 499 Claremont Road, Rusholme, Manchester, M14 5WU

**Applicant** Mr Siddiq & Ahmed , 12 Grosvenor Street, Manchester,

**Agent** Anthony Alexander, Alexander Architects, 90 Park Lane, Manchester, M45 7PT,

### **Description**

This application seeks the retention of a two-storey, double fronted, detached building comprising retail (Class A1) on the ground floor and a storage area at first floor level, together with elevational alterations to the front of the building and new boundary treatment to the side yard.

The site relates to a vacant building on the northern side of Claremont Road just off Wilmslow Road. The building is situated on the edge of Rusholme District Centre and adjoins the rear yard of a commercial parade along Wilmslow Road on one side, and a two-storey, terraced residential property on the other. Opposite the site is car park belonging to a local retailer, whilst to the rear there are further terraced properties. Aside from the commercial premises along Wilmslow Road, the site is located on the edge of a busy and dense, residential area.

Planning permission was granted on 18th February 2004 for the erection of a two storey detached building to form A1 retail shop with storage space above. (Ref: 069427/FO/2003/N2). However, since then, it has recently come to light that the building has not been built in accordance with the approved plans. This application therefore seeks the retention of the built structure, subject also to elevational alterations in order to satisfy planning policy.

Essentially, the building constructed is greater in height by approximately 30cm than that of the adjoining terraced properties to the west along Claremont Road. In addition, the windows are different in length and design to those originally approved. This has resulted in windows that form a poor relationship with the adjoining properties.

In light of the above and for reasons discussed later in the report, it is not considered expedient to take enforcement action with regard to the increase in the building's height. It has however been requested that the front, first floor windows are altered and their design changed to windows that more closely relate to the appearance of adjoining properties. As such, the windows part of the current application are proposed to be altered to conform with the City Council's request. In order to ensure the implementation of the revised window design, a planning condition has been inserted requiring the works are to be completed within 3 months of any planning

permission being granted. In addition to the requested window alterations, alterations are also sought to lower the ground floor shop windows and door, the latter of which would improve disabled access.

## **Consultations**

Local residents - 1 letter of objection has been received and is summarised via a number of points below:

- (i) The building has been built higher than the adjoining residential properties and is out of character.
- (ii) The increase in vehicular traffic would have a negative impact on local residents and would cause parking problems in the area.
- (iii) There are no details of waste management or opening hours and there is concern that there would be further applications for an A5 use.

Ward Members - Councillor Shannon considers that retrospective applications are deplorable and should be assessed differently from normal planning applications where permission is sought before construction works begins. The A1 retail use is also opposed and should be restricted to the main road. Further retail will bring disamenity, including rubbish and parking problems to householders on Claremont Road. In addition, it considered that the building is not in keeping with neighbouring buildings, is too large and represents overdevelopment.

## **Issues**

Unitary Development Plan - There are no site-specific policies relating to the application site. However the following city-wide policies are relevant to this proposal:

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

Regional Spatial Strategy - In terms of regional policy, it is not considered that any policy is of particular relevance in this case.

In addition to the above, Central Government provides national planning guidance in the form of Planning Policy Guidance Notes (PPGs) and more recently on some planning issues, Planning Policy Statements (PPSs).

PPS1 'Delivering Sustainable Development' underpins the planning system and sets out the overarching policies on the delivery of sustainable development. Emphasis is placed on the need for good design to ensure attractive, usable, durable and adaptable places.

The Guide to Development in Manchester (SPD) - This document offers design advice and sets out the City Council's aspirations and vision for future development

and contains core principles to guide developers to produce high quality and inclusive design.

Principle – Due to the site's edge of centre location and the proposed elevational changes, it is believed that on balance, the principle of the building is acceptable. A reasoned view has to be taken in line with planning policy as to whether it would be expedient to take further enforcement action, with particular reference to the height of the building and the harm such a increase in height would cause. In this case, in light of the building's position at the end of a road and its proximity to taller buildings within the district centre, it is considered that the existing building and the proposed changes would not cause any significant, undue impact and would therefore adhere to the relevant planning policy. As such, provided the requested elevational changes are made, it would not be expedient or reasonable to request that the building is changed to match the originally approved plans but rather only those changes requested.

Retail Use – Objections have been received regarding the retail use of the building and the anticipated problems that such a use would bring. It should be noted however that the retail use of the building was established in 2004 via the granting of planning permission for the erection of a two storey detached building to form a retail shop (A1) with storage space above. Since then Development Plan policy has not changed and therefore the use of the building is not a relevant issue. The only issues to consider should be that of the physical structure of the building and the impact this has on the character of the area.

Scale – The detached building is separate from the terraced dwellings to the west and forms the end unit on the northern side of Claremont Road closest to the district centre. It therefore considered that the increase in height can be sustained without any detrimental impact upon either the amenity of nearby residential occupiers or upon the visual character of the area. This is particularly so as the buildings fronting Wilmslow Road are much greater in height that that proposed. It is also believed that due to the distance between properties, the increase in height will have little impact upon properties to the rear by way of overlooking or overshadowing.

Visual Amenity – If the proposed changes are made to the first floor windows on the front elevation, there is unlikely to be any undue impact upon visual amenity or upon the visual appearance of the street-scene. The changes relates to an increase in length and the replacement of the existing windows with top hung windows.

Residential Amenity – Due to the building's location on the edge of a busy district centre, it is considered that due to existing activity and existing background noise levels, there is unlikely to be any significant, detrimental impact upon the amenity of local occupiers. In any event, the use of the building has already been established and the therefore the impact should only be assessed on the basis of its design and appearance. With this in mind, it is believed that the modest increase in height is not likely to have any undue impact on the amenity of nearby residential occupiers.

Boundary Treatment – New boundary treatment has been proposed in order to enclose the side and rear yard of the building. This entails a 1 metre brick wall with iron railings above. In order to ensure the boundary treatment is carried out so that

the curtilage of the property is enclosed, a planning condition has been imposed requiring the completion of works prior to occupation of the building.

Refuse Storage – A planning condition has been imposed requiring the submission and approval of scheme for the storage and disposal of refuse.

**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 Policy H2.2 of the Unitary Development Plan for the City of Manchester and there are material considerations of sufficient weight to indicate otherwise.

**Conditions and/or Reasons**

1) The front elevation window alterations hereby approved and indicated on the approved drawings shall be implemented and completed within 3 months from the date of this permission. The windows shall be retained thereafter unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason - In the interests of residential amenity, pursuant to Policy H2.2 of the Unitary Development Plan for the City of Manchester.

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: A2205/05/B, stamped as received on 11th June 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) The premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as Local Planning Authority:-

Monday to Saturday 8:00am to 5:30pm  
Sunday and Bank Holidays 9:30am to 2:00pm.

Deliveries, servicing and vehicle/equipment movements to any part of the premises shall be restricted to the above opening hours.

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

4) Before any use hereby approved commences, the premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

Reason - To safeguard the amenities of the occupiers of nearby properties, pursuant to Policy H2.2 of the Unitary Development Plan for the City of Manchester.

5). Prior to occupation of the building, 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. 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 H2.2 of the Unitary Development Plan for the City of Manchester.

6) Within 3 months of the date of the development hereby approved, samples of the materials to be used for the boundary treatment indicated on the approved drawings shall be submitted to and approved in writing by the local planning authority. The agreed details of the boundary treatment shall be completed in full, prior to occupation of the premises and the development shall be carried out in accordance with the approved details and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, shall be retained thereafter.

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 in order to comply with Policies H2.2, E3.3 and E3.5 of the Unitary Development Plan for the City of Manchester.

### **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: 089750/FO/2009/S1 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:**

South Manchester Regeneration  
South Rusholme Residents Association  
South Rusholme Residents Association  
487 Claremont Road, Manchester, M14 5WU  
526 Claremont Road, Manchester, M14 5XL  
489 Claremont Road, Manchester, M14 5WU  
528 Claremont Road, Manchester, M14 5XL  
12 Eva Street, Manchester, M14 5NX  
491 Claremont Road, Manchester, M14 5WU  
493 Claremont Road, Manchester, M14 5WU  
14 Eva Street, Manchester, M14 5NX  
16 Eva Street, Manchester, M14 5NX  
495 Claremont Road, Manchester, M14 5WU  
497 Claremont Road, Manchester, M14 5WU  
18 Eva Street, Manchester, M14 5NX  
114-116, Wilmslow Road, Manchester, M14 5AJ  
Music Masti, 118 Wilmslow Road, Manchester, M14 5AJ  
Chunis Restaurant, 501 Claremont Road, Manchester, M14 5WU  
120 Wilmslow Road, Manchester, M14 5AJ  
548 Claremont Road, Manchester, M14 5XL  
552 Claremont Road, Manchester, M14 5XL  
550 Claremont Road, Manchester, M14 5XL  
Sultania Travel, 122 Wilmslow Road, Manchester, M14 5AH  
Ashie Sabby (m C) Ltd, 124 Wilmslow Road, Manchester, M14 5AH  
522 Claremont Road, Manchester, M14 5XL  
524 Claremont Road, Manchester, M14 5XL  
483 Claremont Road, Manchester, M14 5WU  
485 Claremont Road, Manchester, M14 5WU

**Representations were received from the following third parties:**

485 Claremont Road, Manchester, M14 5WU

**Relevant Contact Officer** : Steve McCoombe

**Telephone number** : 0161 234 4607

**Email** : s.mccoombe@manchester.gov.uk