

DELEGATED REPORT

Report by Claire Booth	Date of report: 16/04/2024	Ref: 69329/FUL
Registration: 01/03/2023	LDfC: 30/03/2023	Expiry Date: 26/04/2023
Site Visit: 21/03/2023	Site Notice: N/A	Press Date: N/A
16:30:00		
Objections: 1	Con Area: N/A	Adv Type: PI
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use of existing public house (Sui Generis) to Podiatry Clinic(Class E(e)) on ground floor and 4 bed HMO (house in multiple occupation) at first floor (Class C4) including two storey extension at side/rear, alterations to roof layout of existing rear outbuilding; formation of new first floor access and door at rear with external staircase and render to external elevations

Location: 281 Middleton Road Service Road, Prestwich, Manchester, M8 4LY

Description

The application site relates to a hipped roof former Public House located adjacent to a Petrol Filling Station, and forms the south-western end of a short parade of brick built shop premises, which are located on the service road for Middleton Road. The brick work on the front and side of the property has been painted.

The application site is allocated as being located within Middleton Road Neighbourhood Centre, as defined by the adopted Unitary Development Plan (UDP). This extends from the adjoining Petrol Station along the length of the terraced shops, which the application site forms the end of the terrace, along this service road. Car parking for the shops located within this neighbourhood centre takes place on either side of this service road.

Residential properties exist opposite the front of the site on Middleton Road and to the rear of the site on Edgware Avenue and Watkins Drive.

Permission is sought for the change of use of the existing vacant public house and rear outbuilding (Sui Generis) to a medical clinic (Use Class E(e) - Provision of medical or health services) on the ground floor of the building and for a 4 bed house in multiple occupation (HMO) at first floor (Use Class C4). The proposal initially sought a 6-bedroom HMO. The proposals seek a two storey extension at the side and rear of the property to give the property a gable end. The formation of new first floor access and door at the rear with external staircase and for permission to render all external elevations. Permission is also sought to increase the height of an existing rear outbuilding.

Relevant Planning History

36001: Single storey rear extension and new fire escape at the rear. Approved with Conditions, 11/02/2000

39643: Single storey rear extension and new fire escape at the rear. Approved with Conditions, 01/02/2002

41766: Conversion of beer cellar into Lounge and new beer store. Approved with Conditions, 13/08/2004

Publicity

27 neighbours bordering the application site were initially notified about the proposals on the 08/03/2023.

2 Representations were received, one supporting the proposal and one objecting to the proposals for the following reasons:

Support

The letter of support states:

I feel this would be a positive addition to the road, considering the pub created allot of anti social behaviour and feel that a Health care business will increase value and make the road a better place to live on.

Objection

The letter of objection raises the following concerns:

As a resident already affected by parking issues due to the local businesses, I am very concerned that this change of premises to a medical clinic and a 6 bed HMO with front/side extensions has not accounted for any parking both for the residents of the 6HMOs and the patients/staff parking required for the medical clinic. This will then mean parking on the pavements of resident's properties nearby including mine causing obstacles and dangerous parking as well as blocking of driveways. The parking in front of the shops/Cheers Bar currently is insufficient for the parking required and I am very concerned that this will be made much worse by these proposed changes unless there is a clear plan to accommodate the additional parking requirements.

The same properties were notified of the amendments on 22/06/2024. No additional representations were received.

Statutory/Non-Statutory Consultations

Traffic Section - Raises objections due to the lack of parking provision available for the properties within this neighbourhood centre.

Waste Management - No comments or observations received.

Environmental Health - Pollution Control

Manchester City Council - No comments or observations received.

Housing - Public Protection - No objections.

Adult Care Services - No comments or observations received

Manchester City Council - No comments or observations received.

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Unitary Development Plan and Policies

S1/5	Neighbourhood Centres and Local Shops
H2/4	Conversions
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
JP-P1	Sustainable Places
JP-C1	Our Integrated Network
JP-C8	Transport Requirements of New Development
JP-H3	Type, Size and Design of New Housing

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

- The elimination of discrimination, harassment and victimisation;
- The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;
- The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

ASSESSMENT

Principle of Development

The application relates to a former Public House, called 'Cheers' located at the southern end of the parade of shops, and the Petrol Station which form the Middleton Road Neighbourhood Centre, as defined by UDP Policy S1/5. The application site is positioned on a service strip located off Middleton Road.

The Public House has been vacant since sometime in 2022 and was marketed for Sale at the beginning of September 2022. The property was widely marketed with over 400 parties downloading the sales particulars with 25 parties arranging a formal viewing of the property. None of the parties who presented offers are known to Fleurets as operators of licensed property. Instead, there are known as parties who will purchase, develop, rent out and then keep the property or trade it as an investment. In short, these parties were property traders and landlords, as opposed to operators of pubs/ drinking establishments.

The site has been vacant now for approximately two years. Due to this, and the Marketing that has been undertaken satisfies the LPA that the property has been marketed and has been vacant for a reasonable length of time to justify the loss of this pub.

Due to the application site being within a Neighbourhood Centre Class E use classes that relate to Commercial, Business and Service uses are considered to be acceptable in principle. The proposed ground floor use as a Podiatry Clinic (Use Class E(e) - Provision of medical or health services is therefore supported in principle.

Parking and Highway Safety

The application site is located off a Service Road at the side of Middleton Road which forms the borough boundary. Middleton Road which the service road is accessed to and from is under the jurisdiction of Manchester City Council. This Neighbouring Council were formerly re-consulted and no comments or observations were received from them.

Notwithstanding this, it is clear that Middleton Road is a strategic highway leading to and from Manchester City Centre. from Junction 18 of the M60 motorway. At rush hour, the main road which this parade of shops is accessed from backs up for as far as the eye can see.

The Council's Highways Officers have reviewed the proposals and have raised objections to the proposal as they state the proposed servicing and car parking provision proposed is inadequate and is likely to lead to vehicles parking and carrying out manoeuvres on the highway to the detriment of the free flow of traffic and road safety on/in close proximity to the A576 Middleton Road.

The previous use of the application site was as a Pub/ Bar/ Drinking Establishment, known as 'Cheers'. This is the permitted fall back position of the application site. Therefore, at this point in time, the Pub/ drinking establishment use could occupy the premises without needing planning permission. This is material planning consideration.

This proposal seeks permission for the ground floor of the building to be used for a Podiatry use, with one consulting room proposed and for a small 4 - bedroom House in Multiple Occupation (HMO) at first floor. The proposed use of the property would therefore be no more intensive in terms of its impact on parking and highway safety than the authorised use of the building. Moreover, the application site is also in a highly accessible area, on one of the main public transport corridors. Accordingly, it would be unreasonable of the LPA to resist the application on highway safety grounds.

Design and Visual Amenity

The proposed side and rear extensions would occupy the single storey addition at the side of the property. The proposed extension would be on the footprint of the existing extension, but would project forward to run flush with the existing front elevation of the building. The proposal seeks to be two storey connecting to a two storey rear extension. The massing of the proposals will be a sizeable change to the property, however, they are limited views of the side elevation of the property due to the presence of the petrol filling station canopy. The proposal will therefore not appear overly prominent in the street scene.

There would be no long range views of the extension and alterations proposed at the rear

of the application site, due to the presence of residential properties to the rear.

The proposal seeks to render the whole of the property, as the existing terrace, to which the site is attached, is constructed of brick. Having given this consideration, the visual impact of this will not be so incongruous as to resist the application on this ground. The roof of the property and the terrace of shops it adjoins are all roofed in red tiles. The proposals are to match the existing roof materials.

Based on all of the above, the proposal is acceptable from a design and visual amenity perspective.

Residential Amenity

Neighbouring dwellings

Opposite the front elevation of the application site, on the opposite side of Middleton Road are a row of commercial properties, some of which appear to have living accommodation at first floor. Residential dwellings also exist opposite. The separation distance between the application site and these neighbouring properties would be in the region of 35m and thus the proposal would not cause significant harm to the amenity of occupiers of these properties.

To the rear are properties on Edgware Avenue which have garden areas extending up to the rear boundary of the site. The separation distances between the rear of the application site, as extended, would be approximately 26 metres. This distance will ensure no loss of privacy would occur to the habitable room windows on the rear elevations of nos. 17 and 19 Edgware Avenue. Accordingly, the proposal are acceptable in this regard.

Amenity of Future Occupiers

The first floor of the property is to be turned into a 4 bedroom House in Multiple Occupation. The overall floor space for the first floor accommodation would be approximately 119 sqm.

The shared space would be a 25sqm kitchen-diner. At the request of the LPA the applicant has provided the size of the 4 bedrooms, which each room providing en-suite facilities and built in storage provision.

The size of these rooms are more than the standards required by the HMO licensing requirements and therefore the standard of accommodation proposed will be of a higher standard space wise, meeting the aspirations of the Places for Everyone Joint Development Plan which sets out a requirement for all homes to meet the nationally described space standards. The LPA is satisfied that each of the bedrooms proposed would accord with the nationally described space standards.

Impact on neighbouring Businesses

Paragraph 193 of the NPPF states planning policies and decisions should ensure that new development can be integrated effectively with existing businesses, existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

The proposed extension would abut the shared boundary with the Petrol Station adjacent to the application. To ensure the noise of the Petrol Station and the other business, attached to the application site, a condition requiring sound insulation to the party wall will be imposed. The proposed extension would therefore not adversely affect the business operations of either the Petrol Station or the business attached to the application site, no. 283.

Conclusion

The proposal will result in the re-use and extension of a vacant former Public House for a mixed use proposal, retaining a commercial/ retail (Class E(e) use at ground floor within the adopted Neighbourhood Centre, with a small-scale 4 bedroom HMO at first floor level. Due to the authorised use of the property as a Public House, the proposed development would not cause any worse harm than the parking and vehicular movements to and from the property. The proposed extensions to the building would also not harm the visual qualities of the street scene or the amenity of adjoining neighbours. Overall, it is therefore recommended that the application be approved, subject to the recommended planning conditions.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

- 2 This permission relates to the following plans:

Drawing no. Sheet 1: Location Plan;
Drawing no. Sheet 4, Revision E: Proposed Ground Floor;
Drawing no. Sheet 5, Revision E: Proposed First Floor; and,
Drawing no. Sheet 7, Revision C: Proposed Elevations.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan and the National Planning Policy Framework.

- 3 The sound insulation of the party walls and the floor between ground floor and first floor shall be improved in accordance with Building Regulations Approved Document E (or similar method), the details of which shall be submitted to and approved by the Local Planning Authority and implemented prior to the use commencing.

Reason. To reduce nuisance from noise to the occupiers of neighbouring and adjacent businesses pursuant to the requirements of the National Planning Policy Framework and UDP Policy EN7/2: Noise Pollution.

- 4 The ground floor of the premises shall only be used for Class E 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).

The first floor of the building shall be used for Class C4 - small scale HMO (House in Multiple Occupation) purposes, 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: The Local Planning Authority would wish to retain control over any subsequent changes of use of these premises in the interests of safeguarding the vitality of the Neighbourhood Centre and the amenities of occupiers of the first floor of the building, in accordance with Policies S1/5 - Neighbourhood Centres and Local Shops and EN1/2 - Townscape and Built Design, of the Bury Unitary Development Plan and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	16/04/2024	DM	17/04/2024