

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131381/FU/2021

Date registered valid: 16 August 2021

Proposal: Change of use from office (Use Class E) to residential dwellinghouse (Use Class C3a) with associated elevational alterations

Address: 26-28 Penzance Street, Manchester, M40 7BD

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Sefa Amesu One Manchester Lovell House, 6 Archway, Manchester, M15 5RN

Agent (if any): Mr Josh Pearson Bernard Taylor Partnership Ltd Elizabeth House , 486 Didsbury Road, Stockport, SK4 3BS

Case officer: Katie
Tel: 0161 234 Raw
Email: katie.raw@manchester.gov.uk 4164

Recommendation: Approve

Date of recommendation: 10 November 2021

Application details

Type of application: Change of use Consent

Development type: Change of use

Date of site visit: 21 September 2021

Standard consultations:

Printed: 31 August 2021 Expired: 21 September 2021

Neighbour notifications

Printed: 31 August 2021 Expired: 21 September 2021

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:

Tree Preservation Order:

Description of area

The site relates to 26-28 Penzance Street located within the Miles Platting & Newton Heath ward of north Manchester. As it stands today, the property is a terraced, red brick, two storey office. The office was converted from two terraced properties. Due to its conversion the applicant site has two front doors and two rear doors. The amenity space around the property consists of two rear courtyards, which are relatively small in size. There is no amenity space to the front of the property.

Description of development

The proposed development would involve a change of use from office (Use Class E) to residential dwellinghouse (Use Class C3a). Instead of returning to the property's original use of 2 terraced, 2 bed properties, the application would create 1 larger, 4 bed property. The tenure would be social, affordable, or intermediate rent. The 163 square metres of gross internal floorspace would not alter with the change of use.

The current internal layout would be converted into different residential rooms. In the main, the internal configuration would be retained, although the staircase within no.28 would be removed. The ground floor of the property would comprise of 2 living areas, an open plan kitchen/diner

and utility room. The first floor would comprise of a hallway, 4 large double bedrooms, a store, a bathroom, and a shower room.

The external layout of the curtilage would alter as the existing boundary wall between 26 and 28 would be demolished, to create a larger rear amenity space. The existing boundary treatment to the rear would be retained and new flagstone paving would be installed. The front elevation to the property would change as the front door of no. 26 would be replaced by a non-opening, frosted, full length glazed window, with toughened glass. It would be PAS 24 and Secure by Design compliant. On 8 October the agent confirmed over email that this would be non opening. The positioning of the rear doors would not alter.

Planning history

087308/VO/2008/N1- CITY COUNCIL DEVELOPMENT continued use of property as part of Eco Homes demonstration programme. Approved 5 December 2008.

075355/VO/2005/N1- CITY COUNCIL DEVELOPMENT Change Of Use of houses to Eco house showrooms for a temporary period of two years with associated alteration. Approved 1 June 2005.

Consultations & Notification Responses

Local residents

The occupiers of the surrounding properties were consulted, and no representations were received.

Environmental Health

Environmental Health reviewed the proposal and requested that the following conditions are attached to any approval. Firstly, 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. When the development within each phase commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

Secondly, before the development commences 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.

Highway Services

Highways reviewed the application and gave the following comments. In relation to trip generation and junction capacity, the level of trips generated is not anticipated to be dissimilar to the site's former use and as such no highways concerns are expected.

The site has good accessibility via public transport. There is no on-site car parking associated with the development and as such, all vehicular demands associated with the site are anticipated to contribute to the level of vehicles parked on-street. The site is located within a Stadium Controlled Parking Zone and so the resident may apply for a parking permit.

Highways also recommended that cycle store provision should be made within the curtilage of the site.

Comments were made about a lack of detail provided on the bin stores.

In relation to construction management, the applicant is advised that any requirements for licensing, hoarding / scaffolding 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).

GM Police

Although not formally consulted, GM Police were consulted regarding the security implications of the full length glass window on the front elevation. GM Police confirmed they were satisfied with the security measures set out and stated that a condition should be added to any approval to reflect the physical security measures set out.

Issues

POLICY

The National Planning Policy Framework (July 2021)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The following specific policies are considered to be particularly relevant to the proposed

development:

- i. Chapter 5. Delivering a sufficient supply of homes- explains that when 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.
- ii. Chapter 8. Promoting healthy and communities- states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which, among other things, promotes social interaction, are safe and accessible, and enable and support healthy lifestyles.
- iii. Chapter 9. Promoting sustainable transport- states that developments should create opportunities to promote walking, cycling and public transport use.
- iv. Chapter 11. Making effective use of land- 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.
- v. Chapter 12. Achieving well-designed places – states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.

The Core Strategy is the key document in Manchester's Local Development Framework. It replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. Of relevance are:

Policy DM1 (Development Management); which states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. The relevant issues are the appropriate siting, layout, scale, form, massing, materials and detail. The impact; on the surrounding areas; in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area. The effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Policy SP1 (Spatial Principles); which sets out the City Council's Core Development Principles and states that development in all parts of the City should make a positive contribution to neighbourhoods of choice, amongst these include: creating well designed places that enhance or create character, making a positive contribution to the health, safety and wellbeing of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity.

Policy EN1 (Design Principles and Strategic Character Areas); states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in

national planning guidance and have regard to the strategic character area in which the development is located.

Policy SO3 (Housing); seeks the provision of a significant increase in high quality housing provision at sustainable locations to address demographic needs and support economic growth.

Policy H3 (North Manchester); states that over the lifetime of the Core Strategy, will accommodate around 20% of new residential development. Priority will be given to family housing and other high value, high quality development where this can be sustained.

Policy T2 (Accessible Areas of Opportunity and Need); 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.

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

DC7.1 The Council will negotiate with developers to ensure that new housing is accessible at ground floor level to disabled people, including those who use wheelchairs, wherever this is practicable. All new developments containing family homes will be expected to be designed so as to be safe areas within which children can play and, where appropriate, the Council will also expect play facilities to be provided.

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007.

The Guide aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. The guidance is grouped under seven key principles recognised by CABI as being those urban design characteristics which create successful places. These are: character and context, continuity and enclosure, ease of movement, quality of the public realm, diversity, legibility, and adaptability. It advises that high quality design is a vital attribute of successful neighbourhoods.

Paragraph 2.7 states that development should help to sustain local neighbourhoods, encouraging the most appropriate form of development to enliven neighbourhoods and sustain local facilities.

Paragraph 2.14 goes on to say that it is important that new developments are of an appropriate height having regard to location, character of the area and specific site circumstances and local effects, such as microclimatic ones.

Paragraph 2.16 considers the impact of site boundaries, which can be significant and must be taken into account and incorporated into the design of new developments and conversions from an early stage. Original examples that contribute to the character of the area should be retained. Well designed new treatments such as walls, low walls and railings or hedges and boundary trees, can maintain the enclosure of the street, reinforce the building line and contribute to the quality of the environment.

Principle of development

The proposed use would bring an additional residential unit into use. The precedent for residential is already established along Penzance Street and surrounding streets, and the application property was 2 residential units in a previous use. Policy H3 within the Core Strategy expects north Manchester to accommodate 20% of new residential units. Therefore, the proposed use is considered acceptable for this location.

Residential amenity

The proposed accommodation would afford future residents a high quality of living accommodation. Future residents would be provided with a good level of amenity with all habitable rooms which are all served by windows, where possible, which achieve a good level of outlook, and are free from overlooking.

The floor area of the proposed house equates to 163 sqm. When asked via email on 5 October, the agent was unable to confirm how many residents would be living in the property. However, for a 4B8P property, Manchester's Emerging Space Standards request 124 sqm. Therefore, the property exceeds this and is, as such, spacious in size. The external space is considered to be acceptable, given the constraints of the site. The site faces onto a community garden and is close to Philips Park.

The proposed residential accommodation is compatible with neighbouring uses and would not have any adverse impact on the amenity of the surrounding land-uses.

Visual amenity

There would be no adverse visual implications as a result of the change of use to the neighbouring properties. The property's current use has been left empty for quite some time and so the change to a residential home would create a more active role in the streetscene. The proposed residential use would be more fitting into the streetscene than the current office.

On the basis of the above, the proposed development would not give rise to any adverse residential or visual amenity impacts and is consistent with Core Strategy policies SP1, DM1 and EN1, the Guide to Development in Manchester SPD, and provisions of the NPPF relating to achieving a good standard of amenity.

Design

The only external alterations relate to the removal of the front door to no.26 and the replacement of a full length glass window, the re-paving of the courtyard and the removal of the rear boundary fence. The proposals would have no material impact in terms of design.

Based on the above, the application proposal would comply with Core Strategy policies SP1, DM1 and EN1, the Guide to Development in Manchester SPD, and relevant provisions of the NPPF relating to design.

Boundary treatment

Would remain the same as currently displayed. The removal of the rear shared boundary would open the courtyard for one family's use.

Car parking

The site is considered to have good accessibility by public transport. Although there is no on-site car parking, parking is available on-street and within the neighbouring streets. Highways considered this to be acceptable and recommended that the resident may apply for a parking permit for the Stadium Controlled Parking Zone.

Cycle storage

The question about the possibility for a cycle storage was raised to the agent on 1 October 2021. The agent replied on 5 October 2021 explaining that the applicant had decided it would not be possible. They believed that a cycle store may draw attention to potential crime, would require regular maintenance and the dwelling would have space inside to store cycles.

Ground conditions

Although Environmental Health requested a ground contamination condition was placed on any approval, the Local Planning Authority has taken the view that this is onerous. This application is for a change of use only. There will be no physical development taking place at the property. It is noted that the property has previously been used as a domestic residential property.

Waste management

Following Environmental Health's condition for a scheme for the storage and disposal of refuse, documents containing relevant details were sent to Environmental Health for review on 1 October. Bins would be stored in the rear courtyard. On 5 October, Environmental Health confirmed that this condition could be discharged.

Conclusion

The proposed use is one that is compatible with the surrounding area and brings 2 former residential homes back into use. Given this, it is not considered that the proposal would have a detrimental impact upon residential or visual amenity. Any changes in design are sympathetic to the surrounding residential area.

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 proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance officers have worked with the applicant in a positive and proactive manner by requesting further information relating to the scheme.

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:

- Householder Application for Planning Permission stamped as received by the City Council as Local Planning Authority on 16 August 2021.
- Drawing- Location Plan, stamped as received by the City Council as Local Planning Authority on 1 September 2021.
- Drawing- Existing Floor Plans, numbered 111.1, stamped via email by the City Council as Local Planning Authority on 1 October 2021.
- Drawing- Existing Elevations, numbered 121.1, stamped via email by the City Council as Local Planning Authority on 1 October 2021.
- Drawing- Proposed Floor Plans, numbered 121.1, stamped via email by the City Council as Local Planning Authority on 1 October 2021.
- Drawing- Proposed Elevations, numbered 122.1, stamped via email by the City Council as Local Planning Authority on 1 October 2021.
- Waste Management Strategy stamped as received by the City Council as Local Planning Authority on 1 October 2021.
- Drawing- Site Plan- Proposed, numbered 120.1, stamped as received by the City Council as Local Planning Authority on 1 October 2021.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

3) The development hereby approved shall be carried out in accordance with the following drawings and documents:

- Waste Management Strategy stamped as received by the City Council as Local Planning Authority on 1 October 2021.
- Drawing- Site Plan- Proposed, numbered 120.1, stamped as received by the City Council as Local Planning Authority on 1 October 2021.

in relation to the scheme for the storage and disposal of refuse. The development shall be implemented in accordance with the approved details.

4) The development hereby approved should be carried out in accordance with the Secured By Design measures indicated on drawing 'Proposed Elevations', numbered 122.1, stamped via email by the City Council as Local Planning Authority on 1 October 2021

These measures shall be fully implemented prior to the first use of the development and maintained for the duration of the use hereby approved.

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.

Informatives

- 1) In relation to construction management, the applicant is advised that any requirements for licensing, hoarding / scaffolding 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

22 Penzance Street, Manchester, M40 7BD
267 Sandal Street, Manchester, M40 7BB
263 Sandal Street, Manchester, M40 7BH
24 Penzance Street, Manchester, M40 7BD
23 Padstow Street, Manchester, M40 7AD
21 Padstow Street, Manchester, M40 7AD

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 - Not Affected
Coal Authority - Development High Risk - Name: DEVELOPMENT_HIGH_RISK_AREA
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
HSE COMAH Zone - H1485 MZ - Bradford Road Holder Station (East) Middle Zone
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH1