

Planning

Growth & Development

Delegated officer report for planning application

Application no.	131728/FO/2021
Date registered valid:	11 October 2021
Proposal:	Conversion of an existing three bed flat to two no. self contained flats (1 x 1 bed and 1 x 2 bed)
Address:	Top Flat, 366 Barlow Moor Road, Manchester, M21 8AZ
Ward(s):	Chorlton Park Ward
Applicant:	Mrs Shaheen Hussain, 5 Stanton Avenue, Manchester, M20 2PG
Agent (if any):	Mr A Inman, A & S Inman (Designs) Ltd, 24 Grangethorpe Road, Manchester, M41 9HT
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	3 December 2021

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 19 November 2021

Standard consultations:

Printed: 25 October 2021 Expired: 15 November 2021

Neighbour notifications

Printed: 25 October 2021 Expired: 15 November 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/area

366 Barlow Moor Road is a mid-terraced 3 storey property located within the Chorlton District Centre. It is in use as a restaurant on the ground floor with a 3 bedroom flat above spread over the first and second floors. At the rear of the property there is a yard within which there is an external staircase that provides access to the residential accommodation on the upper floors.

There are commercial units to either side with residential above and residential properties to the rear separated by an alley. There are commercial properties facing the site across Barlow Moor Road.

Listed building: no

Conservation area: no

Tree Preservation Order: no

Description of development

The applicant is applying to convert the three bedroom flat on the first and second floor into a two bed apartment on the first floor and a one bedroom apartment on the second floor. Access to the flats would still be obtained via the rear external staircase.

The one bed apartment would have a floor area of 32.9m², while the two bed apartment would have a floor area of 44.6m².

Consultations & Notification Responses

Local Residents/Businesses – No comments received.

Environmental Health – The proposed waste provision is inadequate. The one bedroom flat will need 140L bins and the 2 bedroom flat will need 240L bins for General waste, pulpable waste and mixed recycling. Both flats will need a food caddy. As there is no garden there is no need for a garden waste bin.

Policies

The National Planning Policy Framework July 2021 (NPPF) – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In addition to the above, Section 5 (Delivering a sufficient supply of homes is of relevance:

Paragraph 60 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.

Paragraph 69 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.

Core Strategy Development Plan Document – The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy 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.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below:

Policy SP1, *Spatial Principles* – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy H1, Overall Housing Provision – This policy states that the proportionate distribution of new housing, and the mix within each area, will depend on a number of factors and goes on to state that new residential development should take account of the need to:

- Contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing Manchester population;
- Reflect the spatial distribution set out above which supports growth on previously developed sites in sustainable locations and which takes account of
- the availability of developable sites in these areas;
- Contribute to the design principles of Manchester LDF including in environmental terms. The design and density of a scheme should contribute to the character of the local area. All proposals should make provision for appropriate usable amenity space. schemes should make provision for parking cars and bicycles (in line with policy T2) and the need for appropriate sound insulation;
- Prioritise sites which are in close proximity to centres of high frequency public transport routes;
- Be designed to give privacy to both its residents and neighbours.

Policy H6, *South Manchester* – 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. Outside the district centres priorities will be for housing which meets identified shortfalls, including family housing and provision that meets the needs of elderly people, with schemes adding to the stock of affordable housing.

Policy EN 19, *Waste* – States that developers will be required to submit a waste management plan to demonstrate how the waste management needs of the end user will be met.

Policy DM1, *Development Management* – This policy 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:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- 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.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Flood risk and drainage.
- Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques.

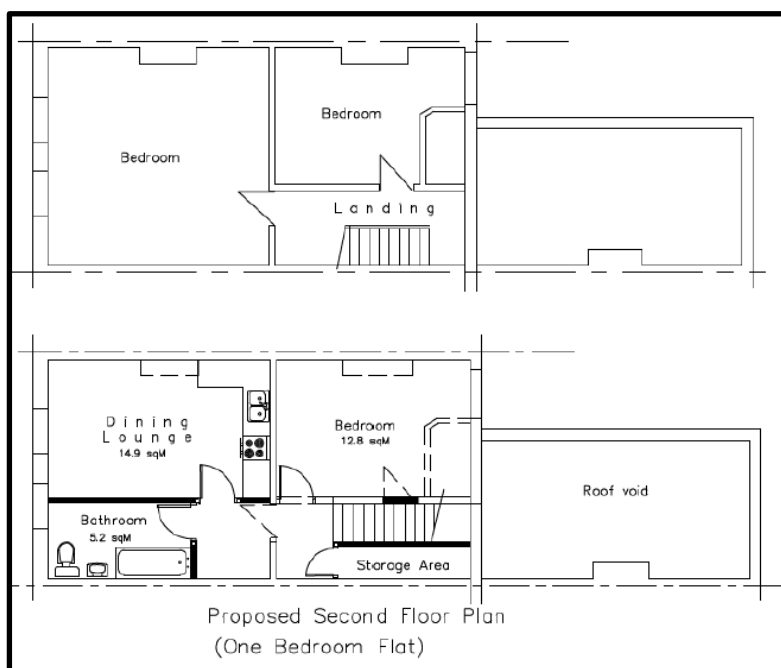
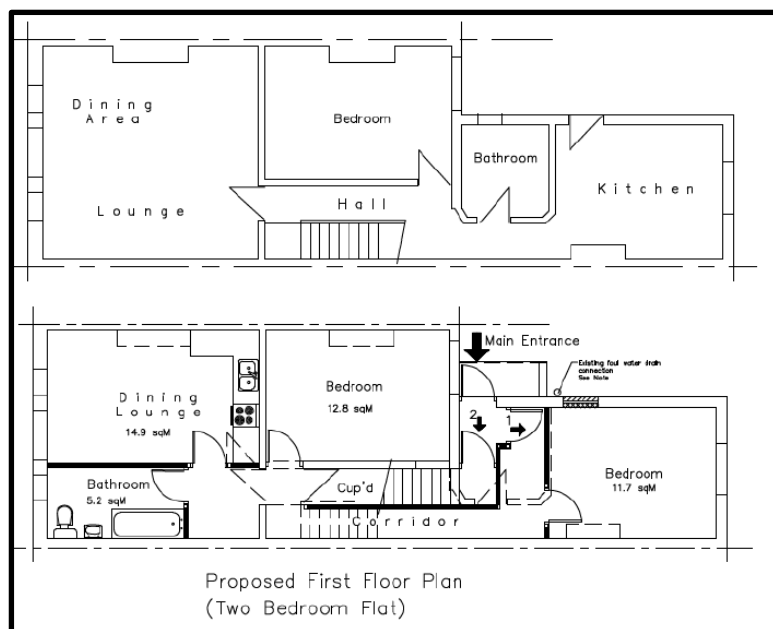
Issues

Principle of the Proposal – There is no objection in principle to the provision of residential accommodation above commercial uses, particularly in district centres where this type of accommodation can add to the vitality of such areas. However, in this instance the size of the proposed accommodation falls short of that required by both the *Manchester Residential Quality Guidance* (MRQG) and the *National Described Space Standards*, the latter of which formed the basis of the City Council's own standards in the MRQG and as a result the proposal can not be supported.

Standard of Accommodation – Both standards referred to above state that a one bed apartment should provide 39m² of accommodation, while a two bed apartment should provide 61m² of accommodation. In this instance the one bed apartment would only provide 32.9m², while the two bed apartment would only provide 44.6m².

Given the size of the proposed accommodation, it is considered that the development fails to comply with not only the aforementioned space standards but also Policy DM1 in Manchester Core Strategy which requires the provision of adequate internal accommodation.

The existing and proposed accommodation is shown side by side below:



Waste Storage and Segregation – Environmental Health have confirmed that the one bedroom flat would need 3 x 140 litre bins for general waste, pulpable waste and mixed recycling, while the two bedroom flat would need 3 x 240 litre bins.

The applicant has confirmed that the existing three bedroom flat has 3 x 140 litre bins for general refuse, mixed recycling and food waste and that it is his intention to only provide two additional 140 litre bins for general waste and mixed recycling, rather than the 3 x 240 litre bins required by Environmental Health.

Given the number and size of the bins proposed, it is considered that the proposed provision falls short of that required for accommodation of this size and as such is considered to be inadequate for future occupants of the flats.

In addition to the above, the applicant has failed to demonstrate how and where the six bins required by Environmental Health would be stored, especially given that the rear yard of 366 Barlow Moor Road would also be used by the ground floor food and drink use to store their waste and recycling bins.

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: Refuse

Article 35 Declaration

The proposal was assessed against the policies within the Manchester Core Strategy Development Plan Document (2012), the Manchester Residential Quality Guidance (2017) and the guidance contained within the National Planning Policy Framework (2021). The applicant was advised that the proposed residential accommodation would not be appropriate due to the poor standard of accommodation proposed and the inadequate provision for waste storage. As the nature of the proposal was considered to be unacceptable and the applicant has requested that the proposal be determined in its current format, a solution that was acceptable to both the Local Planning Authority and the applicant could not be reached.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The development, due to the size of accommodation proposed, would lead to the creation of poor living standards. As a result, the proposal would be contrary to the guidance contained within the Manchester Residential Quality Guidance, the National Planning Policy Framework, the National Design Guide and policy DM1 in the Manchester Core Strategy.

2) The proposed development would not provide adequate waste storage and recycling facilities for the future occupants of the residential accommodation. As a result, the proposal would be contrary to policies DM1 and EN19 in the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
18 Fairhaven Avenue, Manchester, M21 8TW
12 Fairhaven Avenue, Manchester, M21 8TW
Flat 3, 477A Barlow Moor Road, Manchester, M21 8AG
Flat 2, 477A Barlow Moor Road, Manchester, M21 8AG
Flat 1, 477A Barlow Moor Road, Manchester, M21 8AG
370A Barlow Moor Road, Manchester, M21 8AZ
Flat 2, 368A Barlow Moor Road, Manchester, M21 8AZ

Flat 1, 368A Barlow Moor Road, Manchester, M21 8AZ
368A Barlow Moor Road, Manchester, M21 8AZ
362A Barlow Moor Road, Manchester, M21 8AZ
477 Barlow Moor Road, Manchester, M21 8AG
477A Barlow Moor Road, Manchester, M21 8AG
14 Fairhaven Avenue, Manchester, M21 8TW
370 Barlow Moor Road, Manchester, M21 8AZ
366 Barlow Moor Road, Manchester, M21 8AZ
362 Barlow Moor Road, Manchester, M21 8AZ
368 Barlow Moor Road, Manchester, M21 8AZ
364 Barlow Moor Road, Manchester, M21 8AZ
16 Fairhaven Avenue, Manchester, M21 8TW

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