

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131094/FO/2021

Date registered valid: 14 October 2021

Proposal: Change of use of existing care home (Class C2) to 20 x 2 bedroom and 4 x 1 bedroom residential apartments (Class C3), together with associated elevational alterations and associated works

Address: Oakland Nursing Home, 130 Kenyon Lane, Manchester, M40 9DF

Ward(s): Moston Ward

Applicant: Mr Qasim Shah, Risbridger Scott & Sons Ltd 2 Grobars Avenue, Woking, GU21 4TP

Agent (if any): Mr Barry Tang Tang and Associates Ltd - Chartered Architects Entrance W1, First Floor, Westwood House, Greenwood Business Centre, Manchester, M5 4QH

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 16 December 2021

Application details

Type of application: Full Application Consent

Development type: Smallscale Major Other

Date of site visit: 18 November 2021

Standard consultations:

Printed: 10 November 2021 Expired: 1 December 2021

Neighbour notifications

Printed: 27 October 2021 Expired: 17 November 2021

Site notice

Posted: 18 November 2021 Expired: 9 December 2021

Press advert

Published: 2 November 2021 Expired: 23 November 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site comprises the former Oakland Care Home - a 53 bedroom care home which is now vacant, with many of the windows boarded up.

The two storey, irregular 'T shaped, detached building is constructed from red brick, with buff brick banding/detailing and a tiled pitched roof, punctuated by gable features.

The former Oakland Care Home is accessed off Kenyon Lane to the north of the site and from Oscar Street to the east of the site.

To the west and south of the building are car parking areas, with an overgrown lawn situated to the eastern side of the buildings.

The site is enclosed by a combination of brick walls with piers and metal railings.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The site is bounded by a two storey, Evangelical church to the west, Kenyon Lane to the north, and two storey terraces of properties to the east along Kenyon Lane and Oscar Street respectively. The end property closest to site along Kenyon Lane is occupied by a beauty salon/hairdressers. To the south, the site is bordered by a vacant scouts' hut, and informal area of open space and terraced dwellinghouses along Douglas Street.

The immediate area is largely residential in character interspersed by small-scale commercial uses to the opposite side of Kenyon Lane, as well as St. Luke's church opposite.

Kenyon Lane to which the site mainly addresses contains a wide mixture of residential buildings of various architectural styles, tenures and scale, including two storey dwellinghouses and multi-storey apartment buildings. A former plumbing merchant (former Adelphi cinema) situated just to the west, has recently been granted permission for a 4 storey building containing 33 apartments.

Description of development

Planning permission is sought to convert the vacant nursing home to residential apartments (Class C3), comprising 20 x 2 bedroom apartments and 4 x 1 bedroom apartments.

The proposal utilises the existing fabric to enable sub-division of the floorspace.

With the exception of a new ground floor door to the western elevation, no external changes to the building are proposed.

Vehicular access to the proposed development will be provided via the two existing accesses to Kenyon Lane to the north of the site Oscar Street to the east of the site respectively.

The existing car parking areas to the north and south of the site will be formalised to provide a total of 22 off road car parking spaces. Provision is made for refuse storage, cycle storage and communal amenity space.

Consultations & Notification Responses

Local Residents/Occupiers - No representations received.

Highways Services - The site is considered to be adequately accessible by sustainable modes and is in close proximity to a range of public transport facilities.

It is anticipated that the proposals are unlikely to generate a significant increase in the level of vehicular trips therefore they do not raise any network capacity concerns.

22 on-site parking spaces are being provided for the 24 apartments which equates to 92% provision. Whilst this amount is acceptable, it is required that one bay is allocated for disabled use and four bays are provisioned with electric vehicle (EV) charging (minimum 7kW) with the remaining bays provisioned with ducting/cabling to allow future EV conversion.

Confirmation should be provided that the parking bays are a minimum 2.4 x 4.8m with 6m minimum aisle widths. Disabled parking places should be a minimum of 3.6 x 6m.

Whilst the amount of cycle parking provided (46 spaces) is acceptable in principle, it is required that these are secure and sheltered.

An existing vehicle entrance is provided off Kenyon Lane and is to be utilised for access to the parking bays to the front. To keep this access point clear, it is required that double yellow lines be provided across the junction. This will require a traffic regulation order to be promoted.

The site plan shows a gate opening outwards onto the public footway which is not acceptable and requires correction.

An additional vehicle access is provided from Oscar Street which is to be used to access the on-site parking to the rear. In order to keep this access clear, it is required that double yellow lines be provided in the access mouth, whilst retaining on-street parking adjacent to 17 Oscar Street.

If the application is approved, alterations to the highway will be required and are to be undertaken through S278 agreement between the developer and the Council which will include any required technical approval.

Whilst the pedestrian access arrangements are acceptable in principle, it is recommended that signage be erected at both vehicle access points to indicate to road users that pedestrians also use these access points.

The plans show two waste storage areas and two waste collection points. Clarification is sought as to who is responsible for moving the bins from the waste storage areas to the waste collection points. There are concerns that the collection point near to Oscar Street could impede vehicles accessing the rear car park and, in this regard further information is sought. In principle, collection from Oscar Street and Kenyon Lane is acceptable to us.

If the application is approved it is recommended that conditions be applied requiring the submission and agreement of a Construction Management Plan, as well as full details of off-site highway work.

Following further information provided the application in response to the points requiring clarification by Highways, details have been provided that a 3.6 x 6m disabled bay will be provided, that four EV charging points are being provided with infrastructure to allow future conversion of remaining spaces, aisle widths are a minimum of 6m, that the cycle parking will be secure and sheltered, the main access gate will open inwards.

The proposal is considered acceptable to Highways.

Environmental Health – Conditions are advised with respect to construction hours, external lighting and waste management.

Following receipt of an updated waste management strategy, confirmation has been provided that the waste management arrangements are acceptable.

Flood Risk Management – A condition is required with respect to surface water drainage arrangements and subsequent maintenance.

Greater Manchester Ecology Unit (GMEU) – No objection.

Greater Manchester Police (Design for Security) – It is recommended that a full Crime Impact Statement (CIS) report be submitted when full permission is sought, in order to show how crime has been considered for the proposal and the surrounding area.

The CIS can then be submitted as part of the planning application, indicating that the proposed development has been designed to avoid/reduce the adverse effects of crime and disorder and enabling the planning process to run more smoothly.

Supported Housing – Confirmation has been provided that the Council are not interested in the building for its current purpose.

There would be no need for the application to go to the Supported Housing group at this time, unless another organisation is involved wishing to use it for a supported housing site.

Neighbourhood Manager - In recent months the Moston area has had to deal with some complex waste management issues in apartment blocks on Kenyon Lane which has been caused ultimately by the design, access and location of communal bins.

The Council are keen to ensure that any new apartment blocks do not cause the same issues. Clarification is sought as to whether the bin store will be locked, as well as management and access arrangements.

Planning History

044541/FO/NORTH2/93

Erection of a two storey nursing home with new vehicular access to Kenyon Lane. *Approved 24 February 1993.*

Policy

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027.

'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 also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies within the Core Strategy are considered relevant:

Policy SP1 (Spatial Principle) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 (Development Management) states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy H1 Overall Housing Provision states that the proportionate distribution of new housing, and the mix within each area, will depend on a number of factors. New housing will be predominantly in the North, East, City Centre and Central Manchester, these areas falling within the Regional Centre and Inner Areas of Manchester.

The policy goes on to state that 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 H2 Strategic Housing Location states that the key location for new residential development throughout the plan period will be within the area to the east and north of Manchester City Centre identified as a strategic location for new housing. Land assembly will be supported in this area to encourage the creation of large development sites or clusters of sites providing the potential for significant regeneration benefits.

Developers should take advantage of these opportunities by:

- Diversifying the housing offer with particular emphasis on providing medium density (40-50 dwellings per hectare) family housing including affordable housing. In locations which are close to the City Centre, such as the Lower Irk Valley and Holt Town, higher densities will be appropriate. However, the provision of family homes should remain an emphasis in these areas, too.
- Including environmental improvements across the area.
- Creating sustainable neighbourhoods which include complementary facilities and services.
- Considering the scope to include a residential element as part of employment-led development.

The proposal will comply with the densities identified within this policy and bring about significant regeneration in an area identified for change.

Policy H3 (North) North Manchester, 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. High density housing will be permitted within or adjacent to the parts of North Manchester that fall within the Regional Centre (Strangeways and Collyhurst area) and within Cheetham Hill and Harpurhey district centres as part of mixed-use schemes as well as along high frequency public transport routes.

Policy T2 (Accessible Areas of Opportunity and Need) states that the Council will actively manage the pattern of development to ensure that new development: is located to ensure good access to the City's main economic drivers, including the Regional Centre, the Oxford Road Universities and Hospitals and the Airport and to ensure good national and international connections. Is easily accessible by walking, cycling and public transport; connecting residents to jobs, centres, health, leisure, open space and educational opportunities. Particular priority will be given to providing all residents access to strategic employment sites.

Policy EN4 (Reducing CO₂ Emissions by Enabling Low and Zero Carbon Development) concerns reducing CO₂ emissions and states that where possible, new development and retrofit projects must be located and designed in a manner that allows advantage to be taken of opportunities for low and zero carbon energy supplies. The use of building materials with low embodied carbon in new development and refurbishment schemes is also sought.

Policy EN14 (Flood Risk) – refers to flood risk and amongst other issues states that all new development should minimise surface water run-off, including through Sustainable Drainage Systems (SUDS) and the appropriate use of green infrastructure.

Policy EN16 (Air Quality) – states that the Council will seek to improve the air quality within Manchester, and particularly within Air Quality Management Areas, located along Manchester's principal traffic routes. Developers will be expected to take measures to minimise and mitigate the local impact of emissions from traffic generated by the development, as well as emissions created by the use of the development itself.

Policy EN17 (Water Quality) states that developments should minimise surface water run-off and minimise ground contamination into the watercourse construction.

Policy EN19 (Waste) states that the Council will require all developers to demonstrate the proposals consistency with the principles of the waste hierarchy (prevention, reduction, re-use, recycling, energy recovery, and disposal). Developers will be required to submit a waste management plan to demonstrate how construction and demolition waste will be minimised and recycled.

In addition to the above, a number of UDP policies have also been saved until replaced by further development plan documents to accompany the Core Strategy.

Unitary Development Plan for the City of Manchester, 1995 (Saved Policies)

The below saved policy of the Unitary Development Plan are also considered relevant:

Policy DC26 (Noise) states that the Council intends to use the development control process to reduce the impact of noise on people living and working in the City. In particular, consideration will be given to the effect of new development proposals which are likely to be generators of noise.

The Guide to Development in Manchester (SPD) (2007)

The Guide to Development in Manchester is a supplementary planning document which contains core principles to guide developers. The 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. The principles that development should seek to achieve, include, character and context, continuity, and enclosure, ease of movement, quality of the public realm, diversity, legibility and adaptability.

Manchester Residential Quality Guidance (2016)

The Manchester Residential Quality Guidance is a material planning consideration in the determination of planning applications and weight should be given to this document in decision making.

The purpose of the document is to outline the consideration, qualities and opportunities that will help to deliver high quality residential development as part of successful and sustainable neighbourhoods across Manchester. Above all the guidance seeks to ensure that Manchester can become a City of high-quality residential neighbourhood and a place for everyone to live.

The document outlines nine components that combine to deliver high quality residential development, and through safe, inviting neighbourhoods where people want to live. These nine components are as follows:

Make it Manchester;
Make it bring people together;
Make it animate street and spaces;
Make it easy to get around;
Make it work with the landscape;
Make it practical;
Make it future proof;
Make it a home; and
Make it happen.

National Planning Policy Framework

The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.

The Framework underlines a “presumption in favour of sustainable development”. This means approving development, without delay, where it accords with the development plan and where the development is absent or relevant policies are out-of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

Relevant to this application, Section 12 provides design guidance – ‘Achieving Well-Designed Places’.

Paragraph 130 states:

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Other legislative requirements

Section 149 Equality Act 2010 provides that in the exercise of all its functions the Council must have regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between person who share a relevant protected characteristic and those who do not. This includes taking steps to minimise disadvantages suffered by persons sharing a protect characteristic and to encourage that group to participate in public life. Disability is a protected characteristic.

Issues

Principle

It is considered that the redevelopment of this site for residential purposes is acceptable and in keeping with surrounding uses and townscape.

Due to the building standing vacant for some time, it is important that the building is given a new and active use that will enliven the area and be of appropriate use compatible with neighbouring land uses.

The proposed use will see the redevelopment of a vacant building, whilst adding to the diversity of housing stock in the area. It would also improve the appearance of a building by reversing its vacant state and uplifting the appearance of the associated grounds which could otherwise be left to further deteriorate. The use will provide a decent quality development which will create improvements to visual amenity, whilst adding to the vitality and vibrancy of the area, to the benefit of local amenity.

The proposal is also considered to be in accordance with the Core Strategy policies H1 and H3, which outline that North Manchester will accommodate new residential development, with priority being given to family housing and other high value, high quality development where this can be sustained. The use of this vacant site is therefore welcomed and will have a positive impact on the street-scene and character of this area.

Site Layout

The proposed development encompasses the retention of the existing building which sits centrally within the site.

Vehicular access points off Kenyon Lane to the north and Oscar Street to the east are retained.

10 car parking spaces line the north western perimeter of the site, with a further 12 spaces along the southern boundary of the site. Adjacent to these areas are cycle storage areas and waste collection points. To the north eastern corner of the building, the existing communal lawn area is retained.

Internally there are 5 entrances and exits. 3 in the South-West Wing, 1 in the North Wing and 1 in the East Wing. Within the proposal there are also 3 staircases in each wing and a lift for residents to access all floors.

Use

The proposed residential accommodation comprises 10 x 2 bedroom apartments and 2 x 1 bedroom apartments to each of the ground and first floors, totalling 20 x 2 bedroom apartments and 4 x 1 bedroom apartments.

The apartments provide a mix of 1-4 person apartments ranging from 39 sqm in area for the one bedrooms apartments, up to 86 sqm for the larger two bedrooms apartments. All apartments align with the Council's internal space standards and given the context of the existing building are of an appropriate density in this location.

Design, Scale and Appearance

As the existing building is to be retained and converted, the proposed layout will have no impact on the building's scale and height. A new entrance is proposed to the western side of the building, representing the only external change to the building. As the door is positioned on the side of the building furthest away from residential properties, no impact amenity is envisaged. A condition has been included to ensure the materials to be used for the door of a similar appearance to existing materials.

Landscaping and Boundary Treatment

The site currently comprises areas of hard surfacing and overgrown communal lawn area with perimeter planting.

Due to the site constraints, there is limited scope for significant landscaping. The submitted drawings indicate the communal area of lawn to be retained and further tree/shrub planting to the grounds. A condition has been included which requires further details of the soft/hard landscaping to be agreed.

In terms of boundary treatment, the site already encompasses a brick wall with metal railings to the existing perimeter. This is to be retained and provides an adequate means of enclosure, both from a security and visual amenity perspective.

The Kenyon Lane car park access is presently missing a gate and the Oscar Street access requires an automated gate to allow ease of access for vehicles. A condition has been included to ensure adequate gates are installed prior to first occupancy of the apartments.

Residential Amenity

Given the site's former use as a nursing home, a residential use would not present too dissimilar impacts.

The level of car parking is comparable to existing provision and it is not anticipated that there would be a significant increase in the level of vehicular trips or levels of activity. As such, it is not believed that there would be any significant or detrimental impact upon the nearest residential occupiers in terms of existing background noise levels.

In term of any overlooking or loss of privacy, as a consequence of window positioning, the existing windows positions will remain as existing and therefore the current relationship with neighbouring properties, including the position of habitable windows would be maintained. The

building is bounded to the east and south east by residential properties, none of which directly face the host building. In light of the existing context which remain as existing, it is not considered that any harmful impacts will result.

Impact to the Highway

The site is considered suitably accessible by public transport and lies adjacent to a public transport route in the form of a regular bus service serving areas such as Middleton, Ashton-under-Lyne, Failsworth and Manchester city centre. The site includes adequate opportunities for walking and cycle to local amenities and services, including 100% cycle storage provision in the form of two secure, sheltered enclosures.

In terms of parking, 22 on-site parking spaces are being provided for the 24 apartments. This equates to 92% provision. Highways consider this amount to be acceptable when balanced against the accessible nature of the site, anticipated levels of car ownership and travel opportunities afforded by non-car modes of transport.

Vehicular access to the proposed development will be maintained via the two existing accesses to the former care home off Kenyon Lane to the north of the site via a gated access off an extension to Oscar Street to the east of the site. As such, no difference to access arrangements would result and is considered sufficient for the level of movements anticipated.

The proposed use is considered is unlikely to generate a significant increase in the level of vehicular trips which would impact unduly on network capacity.

The applicant has submitted a Transport Statement including industry standard TRICs modelling to forecast vehicular trips.

It is estimated that the proposal will result in a reduction in two-way vehicle movements in the AM peak hour and will result in no intensification on the local highway network in the PM peak hour when compared to the level of traffic which could be generated by the former care home, if brought back into use.

As such, the proposed development is not anticipated to result in a material intensification of the local highway network. Highway Services raise no concerns in this regard and any uplift in on-street car parking is considered unlikely to be significant.

With regard to servicing, a waste collection point is proposed close to both site accesses off Kenyon Lane and Oscar Street to allow servicing to take place from on-street. This is considered entirely consistent with the existing servicing arrangement for the surrounding uses as well as the servicing arrangement associated with the former Oakland Care Home.

In order to ensure safe pedestrian access and to prevent vehicular obstructions to the adjoining highway adjacent to access points, Highways have suggested off site highway works are required, comprising double yellow line parking restrictions adjacent to the Kenyon Lane and Oscar Street entrances, as well as remedial works to the access mouth. Such works will require a separate S.278 agreement, Details will also need to be agreed by way of an attached planning condition.

Waste Management

The application has been accompanied by a waste management strategy which indicates a dedicated bin storage area to the rear (south) of the building with waste collection points adjacent to both vehicular access points.

Waste storage capacity, recycling provision and frequency of collection entails:

- 2 x 1,100L bins (General waste) – weekly collection
- 2 x 1,100L bins (Mixed Recycling) – weekly collection
- 2 x 1,100L bins (Paper/Card Recycling) – weekly collection
- 2 x 1,100L bins (Food Waste Recycling) – weekly collection
- Total Bin Capacity = 8,800L

Internally, the proposed apartments incorporate sufficient storage space to accommodate waste, food caddies and recycling containers, until the need to transport the waste by residents to the dedicated waste stores.

The waste will be stored within timber enclosures. Access to the site will be controlled via a key card system, or similar, to ensure that only residents can access the development.

Ecology

Greater Manchester Ecology Unit raise no objection in their consultation response to the proposal on ecological grounds.

Flood Risk/Surface Water Drainage

The application site is located in flood zone 1 '*low probability of flooding*'.

The Council's Flood Risk Management section recommend that a more detailed design of the surface water drainage scheme be submitted, including verification and subsequent monitoring and maintenance. An appropriate condition has been included.

Security

Given the need to ensure design measures are introduced to limit the potential for crime and to enhance security for prospective occupiers, a condition has been included which requires details to be submitted of the security measures to be incorporated into the development, which shall be to 'secured by design' specification.

Construction Management

To make sure construction and/or fit-out of the building is effectively controlled and to prevent any disruption to existing occupiers in the area, or along key routes throughout this part the city, a condition is included which requires the submission and approval of a construction management plan which details amongst other matters, working practices, working hours, dust suppression, the parking of construction vehicles and the removal of waste.

Climate Change

Given the existing context of the site adjacent to a busy road, coupled with the authorised use of the premises as a care home, there is unlikely to be a significant uplift in vehicular emissions or impact to air quality which would affect climate change to a noticeable degree as consequence of the proposed development.

Vehicular movements are likely to be modest and comparable with the existing use. Whilst it is acknowledged that there will be some localised impact upon air quality during fit out works, this will be short lived and through appropriate mitigation via the submission and agreement of a Construction Management Plan, any impact upon local air quality can be managed and minimised.

To off-set any further impact, a condition has been included which, requires a percentage of the car park spaces to include electric vehicle charging points.

On this basis, it is not believed that the impact to air quality or climate change should form a barrier to development.

Affordable Housing

Policy H8 of the Core Strategy requires that consideration be given to the provision of affordable housing within all new residential developments on sites of 0.3 hectares and above or where 15 or more units are proposed for development to contribute to the City-wide target for 20% of new housing provision to be affordable.

In this case, no affordable units are to be provided in light of the weight to be given to the vacant building credit.

National Planning Policy and Practice Guidance provides guidance on the vacant building credit which is intended to act as an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is to be demolished and replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought.

Paragraph 64 of the NPPF states that affordable housing should only be sought on major developments, except in designated rural areas where a lower threshold may be applicable.

The paragraph goes on to introduce the 'vacant building credit' with the intention of encouraging the re-use of brownfield land. It states:

'To support the reuse of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount'.

This reduction is the equivalent to the existing gross floorspace of the existing buildings. The credit does not apply to vacant buildings which have been abandoned.

Where the consented development would result in an increase in gross external floorspace, the developer is entitled to a credit "*which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation*". This credit can result in either a reduction in the number of affordable units or a smaller offsite contribution.

This credit is applied by taking the existing floorspace of a vacant building and crediting this against the floorspace of the new development.

The formula to calculate site affordable housing requirement is formed from the difference between proposed and existing floorspace.

In this instance, the gross existing floor space is 2029.2sqm. The proposed gross floor space is 2029.2sqm. The affordable housing requirement is 20% (equivalent to 5 dwellings). Applying the vacant building credit, the site wide affordable housing requirement for this scheme would be 0% (equivalent to 0 dwellings).

As in this case where there is either a reduction in floorspace or the entirety of the existing buildings will be used for residential development, the credit applied is 100% and no affordable units are required.

In terms of abandonment, it is not considered that there is sufficient evidence in this regard. The vacant building credit applies where the building has not been abandoned. The courts have held that, in deciding whether a use has been abandoned, account should be taken of all relevant circumstances, such as the condition of the property; the period of non-use; whether there is an intervening use; and any evidence regarding the owner's intention.

In this case, the existing building and use was only granted planning permission in 1994 and only ceased operating relatively recently. The building is in good condition and in accordance with the submitted building history, there has been no intervening use. On this basis, it is considered that the host building qualifies for vacant building credit.

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

Officers have worked with the applicant / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application.

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:

Drawings referenced 9623/003/A, 9623/413/A, 9623/421/A, 9623/421/A, 9623/422/A, 9623/423/B, 9623/424/B received by the City Council as Local Planning Authority on 15 July 2021, drawings referenced 9623/411/C and 9623/412/C received by the City Council as Local Planning Authority on 26 July 2021 and drawing referenced 9623/410/E received by the City Council as Local Planning Authority on 12 November 2021.

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

3) The materials to be used on the external surfaces of the building shall match those of the existing building in type, size, colour and texture.

Reason - To ensure the appearance of the building is not adversely affected by the materials to be used for the elevational alterations, pursuant to policy DM1 of the Manchester Core Strategy.

4) Prior to the commencement of development, a construction management/fit-out plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority, which for the avoidance of doubt should include:

- Measures to control noise and vibrations;
- Dust suppression measures;
- Compound locations where relevant;
- Location, removal and recycling of waste;
- Detail of an emergency contact telephone number;
- Parking of construction vehicles; and
- Sheeting over of construction vehicles.

The development shall only be carried out in accordance with the approved construction management plan.

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

5) No development shall begin until a surface water drainage layout for the site, based on sustainable drainage principles has been submitted to and approved in writing by the City Council as Local Planning Authority. The development shall be constructed and completed in accordance with the approved details and details provided of how the scheme shall be maintained and managed after completion.

Reason -To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN17 of the Core Strategy.

6) The use hereby approved shall only be implemented in accordance with the Waste Management Strategy detailed within the Design and Access Statement, received by the City Council as Local Planning Authority on 6 December 2021 and as shown on drawing referenced 9623/410/E and waste storage plan received by the City Council as Local Planning Authority on

12 November 2021 and 6 December 2021 respectively. 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 public health and residential amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

7) The car parking area indicated on drawing referenced 9623/410/E received by the City Council as Local Planning Authority on 12 November 2021 shall be surfaced, demarcated and made available for use, prior to any of the apartments hereby approved being occupied. The parking shall be available for use at all times whilst the building is occupied.

Reason - To ensure that there is adequate car parking for the development proposed when the building is occupied, pursuant to policies DM1, T2 and SP1 of the Manchester Core Strategy.

8) Notwithstanding details submitted full detail of secure, weatherproof enclosures to the bicycle storage areas indicated on drawing referenced 9623/410/E received by the City Council as Local Planning Authority on 12 November 2021 shall be implemented shall be submitted to and agreed in writing by the City Council as Local Planning Authority. The cycle storage areas shall be implemented in full and made available for use prior any of the apartments hereby approved being occupied. The approved scheme shall remain available for use whilst the building is occupied and retained thereafter.

Reason - To ensure there is adequate bicycle parking provision and to encourage travel by non-car modes. pursuant to policies DM1, T1 and SP1 of the Manchester Core Strategy.

9) Notwithstanding details submitted, prior to the first occupation of the apartments hereby approved, full details of electric car charging points shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall then be implemented as part of the development and be in place prior to the first occupation of the building.

Reason - In the interest of air quality pursuant to policy EN16 of the Manchester Core Strategy.

10) The development hereby approved shall include a lighting scheme for the illumination of external areas during the period between dusk and dawn. Full details of such a scheme shall be submitted to and approved in writing by City Council as Local Planning authority prior to commencement of any lighting works. The approved scheme shall be implemented in full before the development is first occupied and shall remain in operation for so long as the development is occupied.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

11) If any external lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as Local Planning authority causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

12) Notwithstanding details submitted, the apartments hereby approved shall not be occupied until a hard and soft landscaping treatment scheme has been submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy.

13) Prior to the apartments hereby approved being occupied, full details of new car park access gates to both vehicular access points, shall be submitted to and approved in writing by the City Council as Local Planning Authority. The development shall only be implemented in accordance with the agreed details.

Reason - In the interests of visual amenity and highway safety, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

14) Prior to first occupation of the apartments hereby approved, a scheme for the enhancement of the site for biodiversity purposes shall be submitted to and agreed in writing by the City Council as Local Planning Authority. The agreed scheme shall be implemented in accordance with a timescale to be agreed and retained and maintained thereafter.

Reason -To mitigate the loss of vegetation and to promote bio-diversity, pursuant to policy EN15 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

15) The apartments hereby approved shall not be occupied until details of the security measures to be incorporated into the development, which shall be to 'secured by design' specification, have been submitted to and approved in writing by the City Council as Local Planning Authority. This shall include details of external fittings, boundary treatment, gates and dusk till dawn lighting. The development shall only be carried out in accordance with these approved details which shall be retained thereafter.

Reason - To reduce the risk of crime pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

16) Prior to the commencement of development, full details of all necessary off site highway works, to be implemented via a S.278 agreement, shall be submitted to and approved in writing by the City Council as Local Planning Authority and be implemented in accordance with a timescale to be agreed by the City Council as Local Planning Authority. Such works should include:

- Double yellow line parking restrictions, requiring a Traffic Regulation Order across the existing vehicle entrance off Kenyon Lane;

- Double yellow line parking restrictions requiring a Traffic Regulation Order to the access mouth of the vehicular access point off Oscar Street, whilst retaining on-street parking adjacent to 17 Oscar Street.

- Resurfacing/remedial works to the highway immediately to the front of the Oscar Street car park access.

The development shall not be occupied until all the necessary off-site highway works have an agreed timescale for implementation.

Reason - In the interests of highway safety, pursuant to Policies DM1 and SP1 of the Manchester Core Strategy.

17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) none of the apartments hereby approved shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a).

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2020 (or any order revoking and re-enacting that Order with or without modification) the apartments hereby approved shall be used only as private dwellings (which description shall not include serviced apartments/apart hotels or similar uses where sleeping accommodation (with or without other services) is provided by way of trade for money or money's worth and occupied by the same person for less than ninety consecutive nights) and for no other purpose (including any other purpose in Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a).

Reason - To safeguard the amenities of the neighbourhood by ensuring that other uses which could cause a loss of amenity such as serviced apartments/apart hotels or short-term lets do not commence without prior approval; to safeguard the character of the area, and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police
Greater Manchester Ecology Unit
MCC Supported Housing Monitoring Group
Century Hall, Brendon Avenue, Manchester, M40 9DN
146 Kenyon Lane, Manchester, M40 9DF
9 Douglas Street, Manchester, M40 9DS
148 Kenyon Lane, Manchester, M40 9DF
35 Oscar Street, Manchester, M40 9DE
33 Oscar Street, Manchester, M40 9DE
29 Oscar Street, Manchester, M40 9DE
27 Oscar Street, Manchester, M40 9DE
25 Oscar Street, Manchester, M40 9DE
23 Oscar Street, Manchester, M40 9DE
19 Oscar Street, Manchester, M40 9DE
Flat 20, Kenyon Court, 141 Kenyon Lane, Manchester, M40 9DJ
Flat 19, Kenyon Court, 141 Kenyon Lane, Manchester, M40 9DJ
Flat 18, Kenyon Court, 141 Kenyon Lane, Manchester, M40 9DJ
Flat 17, Kenyon Court, 141 Kenyon Lane, Manchester, M40 9DJ
Flat 16, Kenyon Court, 141 Kenyon Lane, Manchester, M40 9DJ
Flat 15, Kenyon Court, 141 Kenyon Lane, Manchester, M40 9DJ
Flat 14, Kenyon Court, 141 Kenyon Lane, Manchester, M40 9DJ
Flat 13, Kenyon Court, 141 Kenyon Lane, Manchester, M40 9DJ
Flat 12, Kenyon Court, 141 Kenyon Lane, Manchester, M40 9DJ
Flat 11, Kenyon Court, 141 Kenyon Lane, Manchester, M40 9DJ
Flat 10, Kenyon Court, 141 Kenyon Lane, Manchester, M40 9DJ
Flat 9, Kenyon Court, 141 Kenyon Lane, Manchester, M40 9DJ
Flat 8, Kenyon Court, 141 Kenyon Lane, Manchester, M40 9DJ
Flat 7, Kenyon Court, 141 Kenyon Lane, Manchester, M40 9DJ
Flat 6, Kenyon Court, 141 Kenyon Lane, Manchester, M40 9DJ
Flat 5, Kenyon Court, 141 Kenyon Lane, Manchester, M40 9DJ
Flat 4, Kenyon Court, 141 Kenyon Lane, Manchester, M40 9DJ
Flat 3, Kenyon Court, 141 Kenyon Lane, Manchester, M40 9DJ
Flat 2, Kenyon Court, 141 Kenyon Lane, Manchester, M40 9DJ
Flat 21, Kenyon Court, 141 Kenyon Lane, Manchester, M40 9DJ
Flat 22, Kenyon Court, 141 Kenyon Lane, Manchester, M40 9DJ
Flat 1, Kenyon Court, 141 Kenyon Lane, Manchester, M40 9DJ
LIGHTBOWNE EVANGELICAL CHURCH, 120 Kenyon Lane, Manchester, M40 9DF
110 Kenyon Lane, Manchester, M40 9DH
Top Flat, 153 Kenyon Lane, Manchester, M40 9DJ
159 Kenyon Lane, Manchester, M40 9DJ
3 Bacup Street, Manchester, M40 9HF
1 Bacup Street, Manchester, M40 9HF
112 Kenyon Lane, Manchester, M40 9DH
6 Brendon Avenue, Manchester, M40 9DW
157 Kenyon Lane, Manchester, M40 9DJ
150 Kenyon Lane, Manchester, M40 9DF
144 Kenyon Lane, Manchester, M40 9DF
138 Kenyon Lane, Manchester, M40 9DF
21 Oscar Street, Manchester, M40 9DE

152 Kenyon Lane, Manchester, M40 9DF
St Lukes Rectory, Kenyon Lane, Manchester, M40 5HS
1 Chinley Avenue, Manchester, M40 9HT
8 Brendon Avenue, Manchester, M40 9DW
4 Brendon Avenue, Manchester, M40 9DW
2 Brendon Avenue, Manchester, M40 9DW
7 Douglas Street, Manchester, M40 9DS
5 Douglas Street, Manchester, M40 9DS
3 Douglas Street, Manchester, M40 9DS
11 Douglas Street, Manchester, M40 9DS
1 Douglas Street, Manchester, M40 9DS
153 Kenyon Lane, Manchester, M40 9DJ
142 Kenyon Lane, Manchester, M40 9DF
140 Kenyon Lane, Manchester, M40 9DF
136 Kenyon Lane, Manchester, M40 9DF
134 Kenyon Lane, Manchester, M40 9DF
31 Oscar Street, Manchester, M40 9DE
17 Oscar Street, Manchester, M40 9DE
Moston Dental Practice, 155 Kenyon Lane, Manchester, M40 9DJ

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 Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH1