

Planning

Growth & Development

Delegated officer report for planning application

Application no. 125832/FO/2019
Date registered valid: 29 January 2020
Proposal: Erection of a single storey rear extension to form a one bed self-contained flat
Address: 810 Kingsway, Manchester, M20 5WY
Ward(s): Didsbury East Ward

Applicant: Mr Paul Atkinson C/o Agent
Agent (if any): Anthony Gilbert 403 Parrs Wood Road, Manchester, M20 5WA
Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 28 January 2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Standard consultations:

Printed: 18 May 2020 Expired: 28 May 2020

Neighbour notifications

Printed: 18 May 2020 Expired: 28 May 2020

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

810 Kingsway is a 2 storey commercial property, located in a terrace of commercial properties to the south of the Kingsway and Wilmslow Road junction. Currently in use as a hairdressers with associated accommodation above. A restaurant and fitness studio are located on either side of the application property. To the rear of the premises is an external yard area and beyond that a steep banking leading to an apartment building access off the East Didsbury station approach. To the front is a parking layby followed by the four lanes of Kingsway and then the Parrswood Entertainment Complex.



Listed building: no
Conservation area: no
Tree Preservation Order: no

Description of development

The applicant is proposing to erect a single storey extension at the rear of the property to create a 1 bed self-contained flat, access to which would be via a door on the Kingsway frontage. A separate access from the car park to the south of the terrace is proposed for disabled residents/visitors, this access would be down a passageway located between an existing extension to the Khandoker Restaurant and the concrete fencing at the bottom of the banking. Refuse storage facilities are proposed underneath the bridge over Kingsway.

Consultations & Notification Responses

Local Resident – One objection letter has been received from a resident in the neighbour apartment block. It raises concerns about the potential impact on amenity arising from noise emanating from the proposal.

Environmental Health – Has suggested the imposition of a number of conditions designed to protect health and amenity. Notwithstanding that, they have raised concerns about the location of the bin storage area. They have stated it is not ideal and contrary to the Council's guidance which states that the bins should be stored within the boundary of the property in question, ideally within 10 metres of the front door.

Greater Manchester Police – There is a potential proposal for disabled access to be created via the back of the restaurant, whilst GMP do not object to the principal of that, they do have concerns over the access it creates to the rear of the proposed flat given the seclusion of the development.

GMP also recommend that Secured By Design measures are included as part of a condition.

Policies

The National Planning Policy Framework (February 2019) – The National Planning Policy Framework (NPPF) 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 NPPF 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 this 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.

Paragraph 59 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 68 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 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.

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.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- Flood risk and drainage.
- Existing or proposed hazardous installations.
- Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques as follows (In terms of energy targets this policy should be read alongside policy EN6 and the higher target will apply):-

a) For new residential development meet as a minimum the following Code for Sustainable Homes standards. This will apply until a higher national standard is required:

Year 2010 – Code Level 3;

Year 2013 - Code Level 4;

Year 2016 - Code Level 6; and

(b) For new commercial developments to demonstrate best practice which will include the application of the BREEAM (Building Research Establishment Environmental Assessment Method) standards. By 2019 provisions similar to the Code for Sustainable Homes will also apply to all new non-domestic buildings.

Manchester Residential Quality Guidance 2016 – Sets out the direction for the delivery of sustainable neighbourhoods of choice where people will want to live and also raise the quality of life across Manchester and was approved by the Executive at its meeting on 14 December 2016. The ambitions of the City are articulated in many places, but none more succinctly than in the 'Manchester Strategy' (2016).

The guidance has been produced with the ambition, spirit and delivery of the Manchester Strategy at its heart. The delivery of high-quality, flexible housing will be fundamental to ensuring the sustainable growth of Manchester. To achieve the City's target of carbon neutrality by 2050, residential schemes will also need to be forward thinking in terms of incorporating the most appropriate and up to date technologies to significantly reduce emissions. It is therefore essential for applicants to consider and integrate the design principles contained within the draft guidance into all aspects of emerging residential schemes. In this respect, the guidance is relevant to all stages of the development process, including funding negotiations, the planning process, construction and through to operational management.

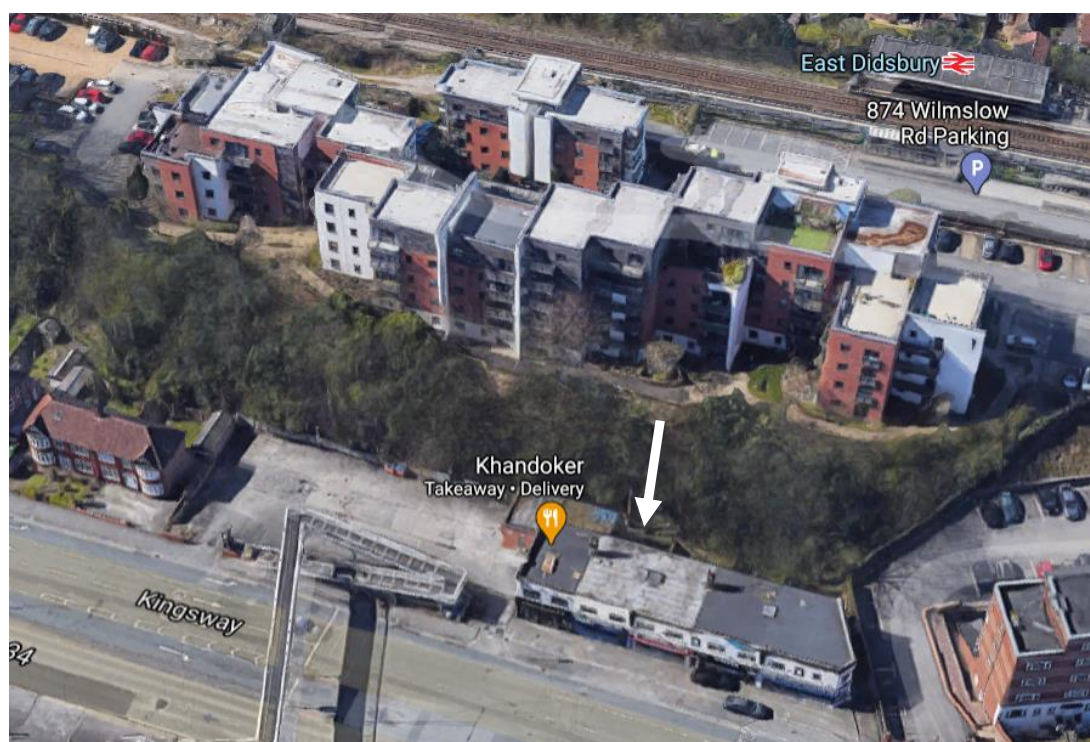
The guidance sets standards for securing high quality and sustainable residential development in Manchester. The document includes standards for internal space within new dwellings and is suitable for applications across all tenures. It adopts the nationally described space standards and this has been applied to an assessment of the size and quality of the proposed houses.

Guide to Development in Manchester Supplementary Planning Guidance – Recognises the importance of an area 's character in setting the context for new development; New development should add to and enhance the area's distinct sense of place; Each new development should be designed having full regard to its context and the character of the area; Seeks to ensure high quality development through good and inclusive design; Buildings should front onto streets; Site boundaries and treatment should contribute to the street scene; There should be a clear definition between public and private space; The impact of car parking areas should be minimised; New developments will be expected to meet designing out crime principles; The impact of development on the global environment should be reduced.

The scale, position and external appearance of new buildings should respect their setting and relationship to adjacent buildings, enhance the street scene and consider their impact on the roof line and skyline. Buildings should recognise the common building line created by the front face of adjacent buildings.

Issues

Principle of the Proposal – It is proposed to site the accommodation between a 2 storey commercial terrace and a steep banking with mature landscaping, annotated by the white arrow below. It is considered that this location is not suitable for any form of residential accommodation, given the overshadowing that occurs and the lack of room to provide adequate levels of private amenity space. Given this, the principle of providing living accommodation in this location is not considered acceptable.



Standards of Accommodation – The site is overshadowed by the mature landscaping to the west and the existing buildings to the east. Siting a building in this location would result in living accommodation that would not benefit from adequate levels of natural daylight.

To overcome earlier concerns about the lack of private amenity space, the applicant proposes to site a small “roof garden” on the flat roof of the extension. Whilst it would be possible to sit outside in this area, again it would be heavily overshadowed and far from private, given the number of windows that are in very close proximity to it.

In light of the above, it is considered that the standard of accommodation proposed is contrary to Policy DM1 of the Core Strategy, the Council's Residential Quality Guidance and Government guidance in the NPPF and National Design Guide.

Security – The comments of GMP are noted regarding the imposition of the Secured by Design condition should the application be approved. However, given the unorthodox access arrangements to the proposed accommodation which lack natural surveillance and could leave occupants/visitors vulnerable, it is not considered that the level of security and public safety resulting from the proposal would meet the requirements of local and national policies and guidance.

Siting – For the reasons previously stated, the siting of residential accommodation in this location is not considered acceptable due to the levels of overshadowing that would occur and the resulting poor levels of natural daylight that would be available to the occupants of the self-contained flat. In addition, given the constraints of the site and the overlooking from adjoining windows, it is not considered that adequate private amenity space could be provided.

Waste Storage – The bin storage area is proposed to be sited in a semi-public area underneath the bridge that crosses over Kingsway. This location is not within the boundaries of the application site and given the route that needs to be taken to use the facilities it is considered that recycling facilities will either be underused or the bins sited elsewhere. The location of the bin storage area is not considered acceptable in this instance.

Design – The design of the single storey extension is similar in appearance to the extension at the rear of the adjoining restaurant.

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 (2019). The applicant was advised that the provision of residential accommodation in this location would not be appropriate due to the poor standard of accommodation proposed (lack of natural daylight, private amenity space and natural surveillance). 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.

Reasons for recommendation to refuse:

- 1) The proposed development, due to its design, siting and orientation, would provide inadequate levels of natural daylight and private amenity space which 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, due to its siting and access arrangements, would not provide a safe external environment for occupants and visitors to the property. 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.
- 3) The proposed development, due to its siting, 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 policy DM1 in the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

Greater Manchester Police

Flat Above, 810 Kingsway, Manchester, M20 5WY

Flat 76, 874 Wilmslow Road, Manchester, M20 5AB

Flat 75, 874 Wilmslow Road, Manchester, M20 5AB

Flat 74, 874 Wilmslow Road, Manchester, M20 5AB

Flat 73, 874 Wilmslow Road, Manchester, M20 5AB

Flat 70, 874 Wilmslow Road, Manchester, M20 5AB

Flat 68, 874 Wilmslow Road, Manchester, M20 5AB

Flat 65, 874 Wilmslow Road, Manchester, M20 5AB

Flat 64, 874 Wilmslow Road, Manchester, M20 5AB

Flat 62, 874 Wilmslow Road, Manchester, M20 5AB

Flat 35, 874 Wilmslow Road, Manchester, M20 5AB

Flat 48, 874 Wilmslow Road, Manchester, M20 5AB

Flat 45, 874 Wilmslow Road, Manchester, M20 5AB

Flat 44, 874 Wilmslow Road, Manchester, M20 5AB

Flat 34, 874 Wilmslow Road, Manchester, M20 5AB

Flat 33, 874 Wilmslow Road, Manchester, M20 5AB

Flat 32, 874 Wilmslow Road, Manchester, M20 5AB

Flat 27, 874 Wilmslow Road, Manchester, M20 5AB

Flat 21, 874 Wilmslow Road, Manchester, M20 5AB

Flat 20, 874 Wilmslow Road, Manchester, M20 5AB
Flat 18, 874 Wilmslow Road, Manchester, M20 5AB
Flat 14, 874 Wilmslow Road, Manchester, M20 5AB
Flat 11, 874 Wilmslow Road, Manchester, M20 5AB
Flat 9, 874 Wilmslow Road, Manchester, M20 5AB
808A Kingsway, Manchester, M20 5WY
Flat 79, 874 Wilmslow Road, Manchester, M20 5AB
Flat 72, 874 Wilmslow Road, Manchester, M20 5AB
Flat 67, 874 Wilmslow Road, Manchester, M20 5AB
Flat 63, 874 Wilmslow Road, Manchester, M20 5AB
Flat 59, 874 Wilmslow Road, Manchester, M20 5AB
Flat 56, 874 Wilmslow Road, Manchester, M20 5AB
Flat 53, 874 Wilmslow Road, Manchester, M20 5AB
Flat 51, 874 Wilmslow Road, Manchester, M20 5AB
Flat 47, 874 Wilmslow Road, Manchester, M20 5AB
Flat 42, 874 Wilmslow Road, Manchester, M20 5AB
Flat 39, 874 Wilmslow Road, Manchester, M20 5AB
Flat 37, 874 Wilmslow Road, Manchester, M20 5AB
Flat 30, 874 Wilmslow Road, Manchester, M20 5AB
Flat 26, 874 Wilmslow Road, Manchester, M20 5AB
Flat 23, 874 Wilmslow Road, Manchester, M20 5AB
Flat 80, 874 Wilmslow Road, Manchester, M20 5AB
Flat 19, 874 Wilmslow Road, Manchester, M20 5AB
First Floor, 806A Kingsway, Manchester, M20 5WY
806A Kingsway, Manchester, M20 5WY
Flat 78, 874 Wilmslow Road, Manchester, M20 5AB
Flat 77, 874 Wilmslow Road, Manchester, M20 5AB
Flat 71, 874 Wilmslow Road, Manchester, M20 5AB
Flat 69, 874 Wilmslow Road, Manchester, M20 5AB
Flat 66, 874 Wilmslow Road, Manchester, M20 5AB
Flat 61, 874 Wilmslow Road, Manchester, M20 5AB
Flat 60, 874 Wilmslow Road, Manchester, M20 5AB
Flat 58, 874 Wilmslow Road, Manchester, M20 5AB
Flat 57, 874 Wilmslow Road, Manchester, M20 5AB
Flat 55, 874 Wilmslow Road, Manchester, M20 5AB
Flat 54, 874 Wilmslow Road, Manchester, M20 5AB
Flat 52, 874 Wilmslow Road, Manchester, M20 5AB
Flat 50, 874 Wilmslow Road, Manchester, M20 5AB
Flat 49, 874 Wilmslow Road, Manchester, M20 5AB
Flat 46, 874 Wilmslow Road, Manchester, M20 5AB
Flat 43, 874 Wilmslow Road, Manchester, M20 5AB
Flat 41, 874 Wilmslow Road, Manchester, M20 5AB
Flat 40, 874 Wilmslow Road, Manchester, M20 5AB
Flat 38, 874 Wilmslow Road, Manchester, M20 5AB
Flat 36, 874 Wilmslow Road, Manchester, M20 5AB
Flat 31, 874 Wilmslow Road, Manchester, M20 5AB
Flat 29, 874 Wilmslow Road, Manchester, M20 5AB
Flat 28, 874 Wilmslow Road, Manchester, M20 5AB
Flat 25, 874 Wilmslow Road, Manchester, M20 5AB
Flat 24, 874 Wilmslow Road, Manchester, M20 5AB
Flat 22, 874 Wilmslow Road, Manchester, M20 5AB
Flat 17, 874 Wilmslow Road, Manchester, M20 5AB
Flat 16, 874 Wilmslow Road, Manchester, M20 5AB
Flat 15, 874 Wilmslow Road, Manchester, M20 5AB

Flat 13, 874 Wilmslow Road, Manchester, M20 5AB
Flat 12, 874 Wilmslow Road, Manchester, M20 5AB
Flat 10, 874 Wilmslow Road, Manchester, M20 5AB
812 Kingsway, Manchester, M20 5WY
808 - 810 Kingsway, Manchester, M20 5WY
804 Kingsway, Manchester, M20 5WY
804A Kingsway, Manchester, M20 5WY
806 Kingsway, Manchester, M20 5WY

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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH