MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	126567/FU/2020
Date registered valid:	29 April 2020
Proposal:	Change of Use of shop (Class A1) into 1 x Studio Flat and 1 x One Bedroom Flat elevational alterations to front and installation of raised deck to rear
Address:	574 Wilmslow Road, Manchester, M20 3DB
Ward(s):	Didsbury West Ward
Applicant:	Mr Atudbhai Ashabhai Patel, 574 Wilmslow Road, Manchester, M20 3DB
Agent (if any):	Mr Sohail Ahmed, Chandos Mews , Room No. 2, 34B Chandos Road, Bristol, BS6 6PF
Case officer:	Melanie Tann Tel: 0161 234 4538 Email: m.tann@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	12 November 2020

Application details

Type of application: Change of use Consent

Development type: Change of use

Standard consultations:
Printed: 1 May 2020 Expired: 22 May 2020

Neighbour notifications
Printed: 1 May 2020 Expired: 22 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

The property is a two-storey, semi-detached building with a shop at ground-floor and a first-floor flat

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is a mix of commercial and residential

Description of development

Change of Use of shop (Class A1) into 1 x Studio Flat and 1 x One Bedroom Flat elevational alterations to front and installation of raised deck to rear

Consultations & Notification Responses

Local residents – No comments received

Environmental Health – recommend the addition of conditions relating to noise insulation and refuse storage. State that the proposed siting of the refuse storage to the forecourt is unacceptable. Also request the addition of a contaminated land condition if the hard standing is to be removed.

Highways – make comments about parking, lack of cycle provision, and refuse storage.

Policies

National Planning Policy Framework – This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system `only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through `which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. However, the NPPF states that `at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should accord with the development plan should be approved without delay unless: 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 or specific policies in this Framework indicate development should be restricted

National guidance can be found in the National Planning Policy Framework (NPPF). The central theme to the NPPF is to achieve sustainable development. The Government states that there are three overarching objectives to achieving sustainable development: an economic objective, a social objective and an environmental objective (paragraph 8).

The Development Plan

Manchester's Core Strategy Development Plan Document now forms part of the development plan for Manchester and its policies provide the basis for planning decisions in the City. The Core Strategy replaces a large number of policies in the Unitary Development Plan; however, some of the UDP policies will remain extant until they are superseded by policies in a future Development Plan Document.

Policy SP1 - sets out the key spatial principles which will guide the strategic development of Manchester to 2027 and states that outside the City Centre and the Airport the emphasis is on the creation of neighbourhoods of choice. It also sets out the core development principles, including: creating well designed places, making a positive contribution to health, safety and well-being, considering the needs of all members of the community, and protecting and enhancing the built and natural environment.

Policy H1 - Housing - Proposals for new residential development should contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing population. The design and density of a scheme should contribute to the character of the local area and should include usable amenity space and be designed to give privacy to both residents and neighbours.

Policy H6 states that 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 District Centres as part of mixed use schemes. Outside the District Centres priorities will be for housing which meets identified shortfalls, including family housing.

Policy T 1 – states to deliver a sustainable, high quality, integrated transport system to encourage modal shift away from car travel to public transport, cycling and walking, to support the needs of residents and businesses and to prepare for carbon free modes of transport, the Council will support proposals that: -

Improve pedestrian routes and the pedestrian environment.
Would reduce the negative impacts of road traffic, for example, congestion, air pollution and road accident casualties.

Policy DM1 (Development Management) seeks to ensure that new development contributes to the overall aim of the Core Strategy. The issues which should be considered are those which will ensure that detailed aspects of new development complement the Council's broad regeneration priorities in particular by contributing to neighbourhoods of choice.
DM1 covers the issues which need consideration and those relevant to this scheme are considered below.

Manchester Residential Quality Guidance
The City Council's Executive has recently endorsed the Manchester Residential
Quality Guidance. As such, the document is now 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 neighbourhoods and a place for everyone to live. Of particular relevance to this application the Guidance states that proposals should:

- Seek to exceed the Nationally Described Space Standards
- Provide sufficient storage space

Provide sufficient private amenity space in the most appropriate location

Issues

Principle - The application property is not within a district or local centre, but is within an area with a mix of residential and non-residential properties, therefore, the change of use from a shop Class A1 to residential accommodation would be broadly compliant with City Council policies. However, issues that need to be considered are the standard of accommodation, parking, amenity space, and refuse storage.

Standard of accommodation - The proposal relates to the change of use of a shop to 1no. one-bed flat and 1no. studio flat. There is an existing flat at first-floor level that does not form part of this application. It is considered that the size of the proposed properties is deficient and falls below those the Council is working towards set out within the Manchester Residential Quality Guidance document approved by the Executive Committee of the Council as a material consideration in the determining of planning proposals. Both the proposed one-bed flat and studio flat fall below the minimum space standards of 39m^3 as set out in the Manchester Residential Design Guide. The applicant was advised that the conversion of the shop to 1no. flat, provided it could meet the adopted space standards, however, the applicant declined to amend the application.

As such it is considered that the proposal fails to provide an adequate standard of accommodation contrary to Core Strategy policy DM1 and the Manchester Residential Quality Design Guidance and the National Planning Policy Framework.

Car Parking – The application states that there will be 3no. parking spaces to the forecourt. Whilst these are not demarcated, Highways note that this is an existing arrangement and make no objection to this continuing.

Cycle storage – The proposal does not provide any secure cycle storage for residents of the proposed development.

Waste Management – It is proposed to site 4no. refuse bins to the front of the property on the forecourt. Environmental Health accept the number of bins but not the siting of the bins to the forecourt as it is used as a pavement to the public.

It is considered that the siting of the bins to the front would be unsightly and create undue visual disamenity within the street scene.

It is considered that the imposition of a condition could not satisfactorily resolve waste management and storage for the proposed use and those details presented within the application are not satisfactory as indicated in the responses from Environmental Health, the proposals are therefore, considered to be contrary to Core Strategy policy DM1.

Design - The proposed elevational alterations are considered to be acceptable, however, it is unclear how each flat and the existing first-floor flat would access their own private outdoor amenity space, which would appear to be inadequate for the number of residents. Therefore, the proposed development would be contrary to policy DM1 of the Core Strategy.

The internal floor spaces do not meet the minimum requirement for a one-bed property of 39cm^3.

Conclusion – The proposal fails to meet the adopted space standards and would create unacceptable living accommodation to the detriment of future occupants. Furthermore, the siting of the bins to the front of the property would be unsightly within the street scene and would lead to visual disamenity. Therefore, the proposal would be contrary to policies DM1, SP1 and H1of the Core Strategy.

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 polices 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:

Article 35 Declaration

The proposal would not improve the social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable and it is therefore not possible to approve the application.

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

1) The proposals would result in an overly intensive use of the property resulting in the creation of low quality/substandard living accommodation for the occupants of the development, particularly in regard to the size of the properties created which would create unduly harmful impacts on the residential amenity of the occupants of the property. The proposal would therefore be contrary to the provision of policies SP1, H1, H6 and DM1 of the Manchester Core Strategy (2012), the Manchester Residential Quality Guidance (2017) and the National Planning Policy Framework (2019).

2) The proposals fail to provide for adequate or satisfactory refuse storage and collection facilities, the proposals would therefore be contrary to the provision of policy DM1 of the Manchester Core Strategy (2012).

3) The proposals fail to provide safe and secure cycle parking facilities and do not include sufficient arrangements for the parking of vehicles within the curtilage of the site. It is considered that the potential requirement for car parking generated by the proposed use would result in on-street parking in the locality which would further exacerbate existing car parking difficulties and traffic congestion. As such, the proposed development would be contrary to policy DM1 of the adopted Core Strategy for Manchester (2012).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Didsbury Car Wash, 570 - 572 Wilmslow Road, Manchester, M20 3DB
578 Wilmslow Road, Manchester, M20 3DB
Flat 1, 576 Wilmslow Road, Manchester, M20 3DB
564 Wilmslow Road, Manchester, M20 3DB
576 Wilmslow Road, Manchester, M20 3DB

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