

Planning

Growth & Development

Delegated officer report for planning application

Application no.	141287/FO/2024
Date registered valid:	29 November 2024
Proposal:	Erection of single storey rear extension following demolition of existing and change of use of upper floors of premises to provide a three bed self-contained flat (C3 use)
Address:	193 Wilmslow Road, Manchester, M14 5AQ
Ward(s):	Rusholme Ward
Applicant:	Mrs Sneh Aggarwal Jupiter Properties Ltd
Agent (if any):	Mr Ahmed Choudhry NADA Architects
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	27 February 2025



Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 16 January 2025

Standard consultations:

Printed: 6 December 2024 Expired: 29 December 2024

Neighbour notifications

Printed: 6 December 2024 Expired: 29 December 2024

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

193 Wilmslow Road is a three storey end terraced property located within the Rusholme District Centre. The ground floor is in use as jewellers at the front, with a separate commercial kitchen for food delivery at the rear. On the first floor there is restaurant, while the second floor is in use as storage. To the rear of the property there is an alleyway which serves this and the adjoining properties.

Commercial and mixed uses are prevalent throughout the Rusholme District Centre.

Listed building: No

Conservation area: No

Tree Preservation Order: No

Description of development

The applicant is seeking planning permission to erect a single storey rear extension, following demolition of the existing extension, to create two bin stores (residential and commercial) and store, as well as a change of use of the upper floors to create a three-bed self-contained flat (C3 use).

Originally the applicant proposed a four bed self-contained flat but given it would not comply with the space standards it was reduced to three beds.

Consultations & Notification Responses

Local Residents/Businesses – No comments received.

Highway Services – Have made the following comments:

- In comparison to the former use, the level of trips generated is not anticipated to be dissimilar and as such no highways concerns are expected.
- The site is well accessed by sustainable modes. Regular bus services and Metrolink services are available within walking distance of the site.
- There is no existing off-street parking at the site and no on-site car parking is proposed and as such, all vehicular demands associated with the site are anticipated to contribute to the level of vehicles parked on-street. The site is located in a sustainable location and existing TROs are in place along Wilmslow Road to limit parking. Access to the retail store will be retained from Wilmslow Road and access to the residential dwelling will be retained from the adjacent alleyway.
- In line with MCC recommendations, secure and sheltered cycle parking provision should be made, within the curtilage of the site, for the accommodation of staff/ visitor cycles. In line with MCC Residential Guidelines, secure and sheltered cycle parking provision should be made, within the curtilage of the site, at a provision of one-per-unit.
- The bin store will be located within the rear yard of the site and a separate store in place for the retail and residential element. It is understood that the waste is to be collected by a private contractor. Bins will be taken to/from the new bin store to the existing collection point on Park Crescent by staff/residents. It is requested that bins are returned to the bin store as soon as possible after collection to ensure they do not impinge pedestrian movements on Park Crescent.

Environmental Health – Suggests the imposition of noise insulation and refuse storage conditions, as well as one regarding the provision of a clear air intake.

Greater Manchester Police – The residential access to the new apartment is set at the end of a alleyway to the side of the building, the view from the public highway is poor and will leave residents & visitors vulnerable to criminality, fear of crime, and antisocial behaviour.

Policies

The National Planning Policy Framework (December 2024) – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

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

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) 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 strong 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, having particular regard

to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The Places for Everyone Plan – This plan was adopted on 21 March 2024, as such the Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance. The relevant policy is set out below:

Policy JP-Strat9 (Southern Areas) – This policy states that the economic competitiveness, distinctive local neighbourhood character and environmental attractiveness of the southern areas will be protected and enhanced. There will be a strong emphasis on making as much use as possible of suitable previously developed (brownfield) land and promoting the roles of the areas' town centres and its other key assets.

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 DM1, *Development Management* – This policy states that all development should have regard to a number of specific issues, of which the following are of most relevance:-

- 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.
- Community safety and crime prevention.
- Design for health.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Flood risk and drainage.

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.

Saved UDP Policy DC26, “Development and Noise” – Policy DC26.1 states that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a) the effect of new development proposals which are likely to be generators of noise; and
- b) the implications of new development being exposed to existing noise sources which are effectively outside planning control.

Policy DC26.2 states that new noise-sensitive developments (including large-scale changes of use of existing land or buildings), such as housing, schools, hospitals or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the Council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

Issues

Principle of the Proposal – The provision of residential accommodation above ground floor commercial uses is commonplace throughout most of Manchester’s district centres, as such there is no objection in principle to the provision of a self-contained flat above no. 193 Wilmslow Road as such uses would normally fall within permitted development rights which is the fallback position. Notwithstanding the above, the impact of the proposal upon existing levels of visual and residential amenity is assessed, as well as any impact upon existing levels of pedestrian and highway safety along this section of Wilmslow Road.

In terms of the rear extension, given the minor differences between the existing and proposed extension, the provision of a new structure in this location is considered acceptable.

Design of the rear extension – Given the modest increase in height of the roof and changes to the design of the rear elevation, the design of the rear extension, which is shown below, is considered acceptable.



Space Standards – The City Council adopted the Manchester Residential Quality Guidance in December 2016 and within that document reference is made to the use of a combination of the Nationally Described Space Standards and the London Housing Design Guide space standards to form Manchester’s space standards for residential developments.

For a dwelling of this size (3 bed and 2 storeys high) the guidance states that between 87 to 102m² of accommodation should be provided. As 94m² of accommodation is to be provided it is considered that the revised proposal comply with Manchester’s space standards.

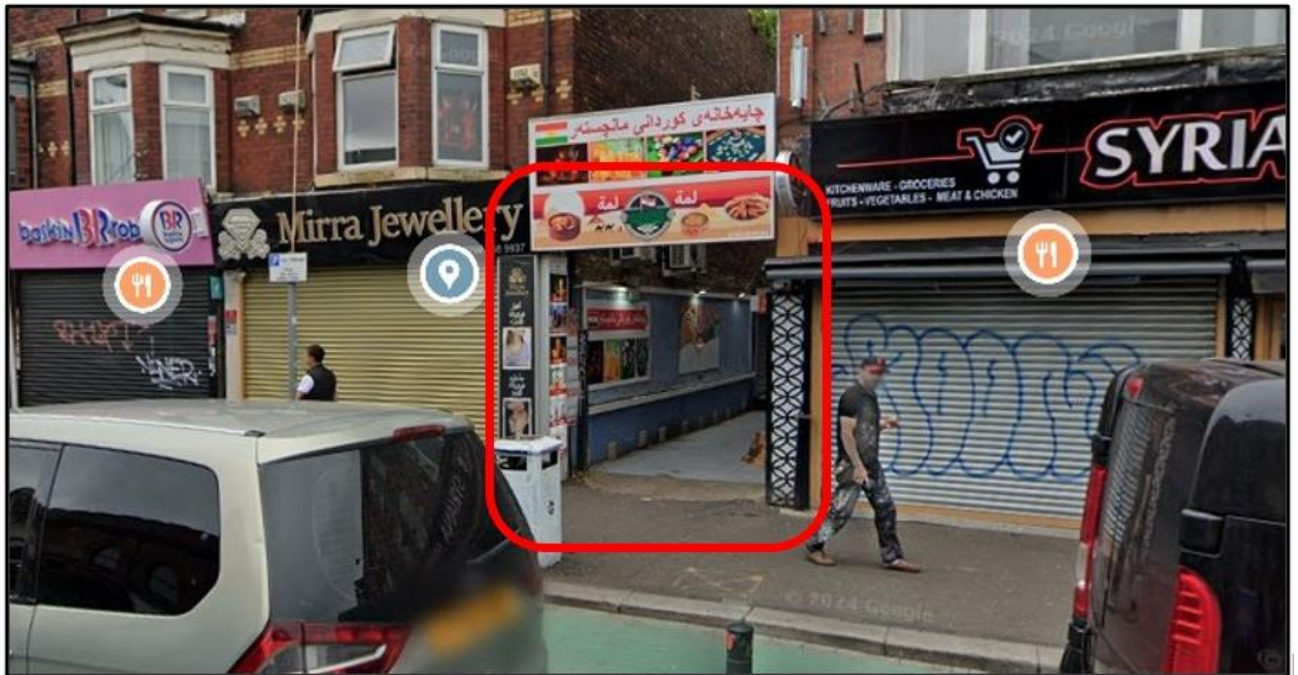
Residential Amenity – Given the level of activity experienced throughout this busy district centre it is not considered the provision of a self-contained flat on the upper floors would have a detrimental impact upon existing levels of residential amenity enjoyed within the vicinity of the site. In addition, the proposal does not raise any concerns in respect of overlooking and loss of privacy.

In terms of the residential amenity to be enjoyed by future residents of the flat, two acoustic insulation conditions, along with one for a clean air intake, are suggested in this instance in order to limit any undue impact from the immediate environment.

Visual Amenity – As the proposed building works are relatively modest and the front elevation would remain unchanged it is not considered that the proposal would have a detrimental impact upon the levels of visual amenity enjoyed along this stretch of Wilmslow Road.

Security – GMP have concerns about the access to the flat at the side of the property, citing concerns about it being down an alleyway.

While on drawings it might look like an alleyway, the entrance way is not considered to be an alleyway in the truest sense as can be seen below. It is currently used to access three doorways, two to 193 Wilmslow Road and one to the adjoining property. It also benefits from lighting and CCTV.



Given the existing activity along the entrance way it is not considered that its continued use for residential purposes would prove detrimental to the levels of safety and security experienced there.

Notwithstanding this, it is considered prudent to attach a condition requiring the submission of a security lighting scheme along the entrance way. While some lighting exists the imposition of this condition would ensure that security lighting would remain in-situ so long as the residential accommodation is occupied.

Cycle Parking – Given the prevalence of public transport along the Wilmslow Road frontage and the lack of space available for the provision of a secure cycle store it is not considered necessary in this instance to require the installation of a cycle store.

Car Parking – The City Council does not have a prescribed policy standard for residential schemes. Notwithstanding this, it is anticipated that all new developments should provide appropriate car parking facilities and new developments should improve access to jobs and services by being located on sites that reduce the need to travel and provide good access to sustainable transport provision.

This desire to links trips and minimise travel times by locating developments in sustainable locations would allow the ability to minimise car travel and take advantage and facilitate the use of sustainable forms of transport.

Given the sustainable nature of the site within a district centre, the number of flats proposed and availability of local amenities and public transport, the lack of any dedicated off-street parking spaces for this development is considered acceptable and consistent with similar developments found in other district centre locations.

In conclusion, given the sustainable location of the site and the prevalence of public transport within its vicinity, no parking provision is considered acceptable in this instance.

Pedestrian and Highways Safety – The proposal does not raise any pedestrian or highway safety concerns.

Other Legislative Requirements

Equality Act 2010 – Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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 in a positive and proactive manner based on seeking solutions to issues arising from the consideration of this 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 supporting information received on 16 January 2025:

- a) Location Plan, received on 18 October 2024
- b) Drawing no. (01)001 PL0 - existing elevations, received on 18 October 2024
- c) Drawing no. (02)001 PL1 - proposed elevations, received on 19 November 2024
- d) Drawing no. (03)001 PL0 - existing floorplans, received on 18 October 2024
- e) Drawing no. (04)001 PL3 - proposed floorplans and site plan, received on 28 January 2025
- f) Design and Access Statement, received on 18 October 2024

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

3) Above-ground construction works shall not commence until samples and specifications of all materials, to be used in the external elevations have been submitted to and approved in writing by the City Council as local planning authority. Thereafter the development shall be carried out in accordance with those details.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Manchester Core Strategy.

4) a) Prior to the commencement of above ground works, a scheme for acoustically insulating the proposed residential accommodation against noise from Wilmslow Road and commercial premises in the vicinity of the site shall be submitted to and approved in writing by the City Council as local planning authority.

b) Prior to first occupation of the residential unit, a verification report shall be submitted to validate that the work undertaken throughout the development conforms to the recommendations and requirements approved as part a) of this condition. The validation report shall also undertake post completion testing to confirm that the internal noise criteria have been met.

c) In the event of any non-conformity with the approved acoustic insulation scheme, then any further measures that are required to ensure conformity shall be carried out. Any required measures/mitigation shall continue until conformity has been achieved and agreed in writing by the City Council as local planning authority, prior to first occupation of the development.

Reason - To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance and to reduce the potential for overheating, pursuant to Policy DM1 in the Manchester Core Strategy and Saved UDP Policy DC26.

SEE INFORMATIVE

5) a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to first occupation of the development hereby approved a scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site. The scheme shall be implemented in full prior to first occupation of the development.

b) Prior to the operation of the scheme, a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements approved under part a) of this condition. The report shall also undertake post completion testing to confirm that the noise criteria have been met.

c) In the event of any non-conformity with the approved scheme, then any further measures that are required to ensure conformity shall be carried out. Any required measures/mitigation shall continue until conformity has been achieved and agreed in writing by the City Council as local planning authority, prior to first occupation of the development.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to Policy DM1 in the Manchester Core Strategy and Saved UDP Policy DC26.

6) a) Before the development commences a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

b) 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 amenity and public health, pursuant to Policy DM1 in the Manchester Core Strategy.

7) a) Prior to the commencement of above ground works, a scheme for a clean air intake shall be submitted to and approved in writing by the City Council as local planning authority.

b) Prior to occupation of the development any agreed mitigation measures shall be implemented and verified as such in writing by the City Council as local planning authority and shall remain in situ whilst the use or development is in operation.

Reason - To secure a reduction in air pollution from traffic or other sources in order to protect existing and future residents from air pollution, pursuant to policies EN16, SP1 and DM1 of the Manchester Core Strategy.

8) Prior to the commencement of above ground works, details of a security lighting scheme to be installed in the vicinity of the entrance to the residential accommodation, shall be submitted to and be approved by the City Council as Local Planning Authority. The approved scheme shall be installed and thereafter maintained, prior to the occupation of the residential accommodation and shall remain in-situ in perpetuity.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development identified for residential use shall be used for any purpose other than the purpose(s) of Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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.

Informatives

1) Informative for Condition 4 - There may be other actual or potential sources of noise, other than Wilmslow Road, which require consideration on or near the site, including any local commercial/industrial premises.

The potential for overheating shall also be assessed and the noise insulation scheme shall take this into account. The approved noise insulation and ventilation scheme shall be completed before any of the dwelling units are occupied. Noise survey data shall include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary. The following noise criteria shall be required to be achieved when providing adequate ventilation as defined by Approved Document F of the Building Regulations (whole dwelling ventilation):

- a) Bedrooms (night time - 23.00 - 07.00) 30 dB LAeq (individual noise events shall not exceed 45 dB L_{Amax,F} by more than 10 times)
- b) Living Rooms (daytime - 07.00 - 23.00) 35 dB LAeq
- c) Gardens and terraces (daytime) 55 dB LAeq Higher internal noise levels than those specified above may be allowed when higher rates of ventilation are required in relation to the overheating condition.

2) Contaminated Land Watching Brief - In the event that ground and/or groundwater contamination and/or ground gas are encountered on the site before the development is occupied, the developer is advised to cease works and call Contact Manchester on 0161 234 5004 or email contact@manchester.gov.uk for advice on how to proceed.

Information for Developers guidance documents can be downloaded using the following link:

http://www.manchester.gov.uk/info/500207/planning_and_regeneration/1962/additional_planning_guidance/3

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

191 Wilmslow Road, Manchester, M14 5AQ
Top Flat, 191 Wilmslow Road, Manchester, M14 5AQ
189 Wilmslow Road, Manchester, M14 5AQ
195 - 197 Wilmslow Road, Manchester, M14 5AQ
116 Wilmslow Road, Manchester, M14 5AJ
120A Wilmslow Road, Manchester, M14 5AJ
120B Wilmslow Road, Manchester, M14 5AJ
197A Wilmslow Road, Manchester, M14 5AQ
195A Wilmslow Road, Manchester, M14 5AQ
118 Wilmslow Road, Manchester, M14 5AJ
114 Wilmslow Road, Manchester, M14 5AJ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Victoria Park Conservation Area 1972
Area Team Boundary - Name: SOUTH AREA