

## Planning

## Growth & Development

### Delegated officer report for planning application

|                                |                                                                                                                                                    |
|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application no.</b>         | 140841/FO/2024                                                                                                                                     |
| <b>Date registered valid:</b>  | 13 September 2024                                                                                                                                  |
| <b>Proposal:</b>               | Change of use of basement into 2 no. 2-bed apartments with associated elevational alterations and installation of lightwells to the front and rear |
| <b>Address:</b>                | 11 - 13 Demesne Road, Manchester, M16 8HG                                                                                                          |
| <b>Ward(s):</b>                | Whalley Range Ward                                                                                                                                 |
| <b>Applicant:</b>              | Mr Ali Zolghadriha, BOS3 Manchester Limited                                                                                                        |
| <b>Agent (if any):</b>         | Mr Barry Tang, Tang and Associates Ltd - Chartered Architects                                                                                      |
| <b>Case officer:</b>           | David Lawless<br>Tel: 0161 234 4543<br>Email: david.lawless@manchester.gov.uk                                                                      |
| <b>Recommendation:</b>         | Approve                                                                                                                                            |
| <b>Date of recommendation:</b> | 15 January 2025                                                                                                                                    |

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## **Application details**

**Type of application:** Full Application Consent

**Development type:** Minor Other

**Date of site visit:** 18 September 2024

### **Standard consultations:**

Printed: 18 September 2024      Expired: 9 October 2024

### **Neighbour notifications**

Printed: 18 September 2024      Expired: 9 October 2024

### **Site notice**

Posted: 18 September 2024      Expired: 9 October 2024

### **Press advert**

Published: 24 September 2024      Expired: 15 October 2024

**Departure from Development Plan:** No

**Environmental Statement:** Not required

## **Description of site/building/area**

11/13 Demesne Road is a large three storey residential property with basement accommodation, which is currently in use as 10 self-contained flats over the ground, first and second floors. The property is located within the Whalley Range Conservation Area and situated in a predominantly residential area. There are gardens to the rear and informal car parking and bin storage area to the front.

**Listed building:** No

**Conservation area:** Whalley Range Conservation Area 1992

**Tree Preservation Order:** No

## **Description of development**

The applicant is proposing the following:

- Change of use of basement into 2 no. 2-bed apartments,
- Installation of lightwells to the front and rear,
- Installation of windows at basement level to the front and rear,
- Provision of two parking spaces to the front,
- Installation of bin and cycle storage facilities at the rear of the property.

Originally the proposal required future occupants of the accommodation to access them using external stairs via the front lightwells. This resulted in overly large lightwells and recessed entrances which were a security concern. As a result the applicant amended the scheme so that the accommodation is accessed from inside the property, this has also reduced the overall size of the lightwells which is welcomed.

## **Consultations & Notification Responses**

**Local Residents** – No comments received.

**Whalley Range Forum** – No comments received.

**Whalley Range Conservation Area Group** – No comments received.

**Highway Services** – Have made the following comments:

- The proposed additional dwellings are unlikely to result in a significant increase in vehicular trips. As such, no further assessments are required.
- The site is located in a reasonably accessible location with frequent bus services operating within walking distance of the site along Alexandra Road South. Bus services provide connections between Chorlton and Piccadilly Gardens.
- A bike store is proposed to the rear of the property which would accommodate 10no. bicycles. This level of provision is considered acceptable by Highways but should be both sheltered and secure.
- A bin store is proposed to the rear of the property. Plans show refuse servicing is proposed from the highway with bin presentation areas provided within the site curtilage fronting Demesne Road. This is considered acceptable by Highways.
- While the site is not of a scale which would warrants a full Travel Plan, Highways request that a Travel Pack is issued to all residents in order to promote and encourage sustainable modes of travel.

**Environmental Health** – Suggests the imposition of waste management condition.

## **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.

In addition to the above, Sections 5 (*Delivering a sufficient supply of homes*) and 16 (*Conserving and enhancing the historic environment*) are of relevance:

Paragraph 61 in Section 5 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, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.

Paragraph 73 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.

Paragraph 210 in Section 16 states that in determining planning applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 213 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 214 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 215 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

**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.

Policy JP-P2: Heritage (Heritage) – This policy states that the member authorities will proactively manage and work with partners to positively conserve, sustain and enhance their respective historic environments, heritage assets and their settings.

**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.

Policy EN 3, *Heritage* – Throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

**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.

## **Issues**

**Principle of the Proposal** – Given the predominantly residential character of the neighbourhood, there is no objection in principle to the provision of two additional units in the basement. Notwithstanding this, concerns about parking, impact on pedestrian safety and residential amenity must be assessed, as well as the impact upon the character of the Whalley Range Conservation Area.

**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 two bed single storey property such as those proposed, the guidance states that between 61m<sup>2</sup> and 70m<sup>2</sup> of accommodation should be provided. As approximately 100m<sup>2</sup> of accommodation is proposed the scheme would comply with the Manchester Residential Quality Guidance.

**Physical Alterations** – The only alterations to the property are the creation of lightwells to the front and rear and associated windows in the basement level elevations. The lightwells would be enclosed by railings. These physical alterations are considered acceptable and would not unduly impact upon the overall character of the building. They would also ensure appropriate levels of lighting to the proposed units.

A condition is suggested which would require the applicant to submit elevational details of the proposed bin and cycle stores.

**Residential Amenity** – It is not considered that the provision of two additional units and the domestic activity associated with them would have a detrimental impact upon the levels of residential amenity enjoyed by the occupants of the adjoining accommodation.

**Visual Amenity** – It is not considered that the proposal would have a detrimental impact upon the existing levels of visual amenity enjoyed within the vicinity of the site.

**Impact on the Whalley Range Conservation Area** – The site is located in the Whalley Range Conservation Area. The special significance and distinctive character of the area is borne out of the scale, appearance and form of development located within this part of Whalley Range, along with its verdant nature, resulting from a large number of mature trees and open spaces, most in the form of private landscaped grounds.

Whalley Range Conservation Area is defined by large houses on tree lined avenues, some of which have been converted to apartments or institutional uses over time. Large apartment buildings were built around the area prior to the designation of the conservation area. There are also a number of sites throughout the conservation area with larger buildings such as St. Bede's College and the British Muslim Heritage Centre.

In terms of this proposal, the elevational alterations and creation of lightwells with associated railings are considered modest and would not detract from the appearance of this building or the character of the Whalley Range Conservation Area as a whole. The same can be said for the bin and cycle stores which are to be located to the rear. Given the design, scale and siting of the physical alterations and various stores, it is considered that any harm to the overall character of the Whalley Range Conservation Area would be at the very low end of less than substantial.

**Car Parking** – The formalising of the car parking at the front of the property, i.e. one space per existing driveway, is welcomed. In addition, given the proximity of public transport facilities to this site the level of provision is considered acceptable.

**Cycle Storage** – The provision of cycle storage facilities at the rear of the site is welcomed. As stated previously, a condition is suggested which would require the applicant to submit elevational details of the facilities before they are installed.

**Waste Management** – The level of provision is considered acceptable and its implementation would be the subject of a condition.

**Landscaping** – In an effort to provide bio-diversity enhancements and enhance the front of the site, a landscape condition is suggested which

**Amenity Space** – The level of private amenity space remaining at the rear of the property is considered acceptable.

## **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 received on 12 November 2024 and 28 November 2024:

- a. 9863/122 REV C - REAR & WEST ELEVATIONS
- b. 9863/001 A - LOCATION PLAN
- c. 9862/123 REV A - DEMESNE ROAD STREET SCENES
- d. 9862/121 REV C - DEMESNE ROAD & EAST ELEVATIONS
- e. 9862/112 C - UPPER G/F PLANS
- f. 9862/111 REV D - LOWER GROUND FLOOR PLANS
- g. 9862/102 REV D - EXISTING& PROPOSED

- h. 9862-012 B - 2/F & ROOF PLANS
- i. 9862-011B - G/F & 1/F PLANS

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) The car parking spaces shown on drawing no. 9862/102 REV D shall be laid out, demarcated and made available prior to the occupation of the residential accommodation hereby approved.

Reason - In the interests of pedestrian and highways safety and to ensure the satisfactory development of the site, pursuant to Policy DM1 in the Manchester Core Strategy.

5) Prior to the commencement of above ground works, elevational drawings of the bin and cycle stores shall be submitted to and approved in writing by the City Council as Local Planning Authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use is in operation.

Reason - In the interests of public health and residential amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

6) The storage and disposal of refuse shall be implemented in accordance with drawing no. 9862/102 REV D (received on 28 November 2024) and the email (Tang & Associates Architecture Ltd) received on 24 December 2024 and remain in-situ whilst the residential accommodation is occupied.

Reason - In the interests of amenity and public health, pursuant to Policy DM1 in the Manchester Core Strategy.

7) No development shall commence 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 Manchester Core Strategy.

## **Appendix 1 – List of consultees & neighbours notified**

Highway Services  
Environmental Health

Whalley Range Forum  
Whalley Range Conservation Area Group

Flat 1, 11 - 13 Demesne Road, Manchester, M16 8HG  
Flat 1, 7 Demesne Road, Manchester, M16 8HG  
Flat 5, 7 Demesne Road, Manchester, M16 8HG  
Flat 2, 7 Demesne Road, Manchester, M16 8HG  
Flat 2, 5 Demesne Road, Manchester, M16 8HG  
Flat 4, 5 Demesne Road, Manchester, M16 8HG  
Flat 3, 5 Demesne Road, Manchester, M16 8HG  
Flat 4, 7 Demesne Road, Manchester, M16 8HG  
Flat 1, 5 Demesne Road, Manchester, M16 8HG  
Flat 3, 15 Demesne Road, Manchester, M16 8HG  
Flat 5, 11 - 13 Demesne Road, Manchester, M16 8HG  
Flat 2, 11 - 13 Demesne Road, Manchester, M16 8HG  
30 Alness Road, Manchester, M16 8HR  
Flat 10, 11 - 13 Demesne Road, Manchester, M16 8HG  
Flat 9, 11 - 13 Demesne Road, Manchester, M16 8HG  
Flat 8, 11 - 13 Demesne Road, Manchester, M16 8HG  
Flat 7, 11 - 13 Demesne Road, Manchester, M16 8HG  
Flat 6, 11 - 13 Demesne Road, Manchester, M16 8HG  
5 Demesne Road, Manchester, M16 8HG  
7 Demesne Road, Manchester, M16 8HG  
Flat 5, 15 Demesne Road, Manchester, M16 8HG  
Flat 4, 15 Demesne Road, Manchester, M16 8HG  
Flat 2, 15 Demesne Road, Manchester, M16 8HG  
Flat 1, 15 Demesne Road, Manchester, M16 8HG  
Flat 4, 11 - 13 Demesne Road, Manchester, M16 8HG  
Flat 3, 11 - 13 Demesne Road, Manchester, M16 8HG  
Flat 3, 9 Demesne Road, Manchester, M16 8HG  
Flat 2, 9 Demesne Road, Manchester, M16 8HG  
Flat 1, 9 Demesne Road, Manchester, M16 8HG  
Flat 5, 5 Demesne Road, Manchester, M16 8HG  
Flat 3, 7 Demesne Road, Manchester, M16 8HG  
34A Alness Road, Manchester, M16 8HQ  
12 Demesne Road, Manchester, M16 8HG  
32 Alness Road, Manchester, M16 8HR  
34 Alness Road, Manchester, M16 8HQ  
Polonia, 17 Demesne Road, Manchester, M16 8HG  
16 Demesne Road, Manchester, M16 8HG  
14 Demesne Road, Manchester, M16 8HG

## **Appendix 2 – Planning constraints**

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4  
Conservation Area - Whalley Range Conservation Area 1992  
Flood Zones Type 2 (low to medium risk) -  
Susceptible to Surf Water Flood (Less) -  
Susceptible to Surf Water Flood (Middle) -  
Area Team Boundary - Name: SOUTH AREA