Application Number	Date of Appln	Committee Date	Ward
139693/FO/2024	29th Apr 2024	29th Aug 2024	Gorton & Abbey Hey Ward

Proposal Change of use of the existing vacant clinic to form 6 no. residential apartments (1 x one bedroom, 3 x two bedroom and 2 x three bedroom apartments) together with external elevational alterations, car and cycle parking and landscaping

Location Abbey Hey Clinic, Constable Street, Manchester, M18 8GD

Applicant Zahida Chaudhry

Agent Mr - Hatami, Orya Architectural Studios

Executive Summary

The proposed application relates to the change of use of an existing building, formerly used as a clinic, to form 6 no. residential apartments. The premises have recently been used as an unauthorised hostel, and was subject to an Enforcement notice, requiring cessation of the hostel use, by 18 August 2024. This has been complied with.

Following notification of the application, an objection was received from the Abbey Hey Residents Association, and their reasons for objecting has been supported by Ward Members.

Key Issues
- Suitability of the proposed use in this location and impact on the character of the area.
-Impact on residential amenity.
- Potential over-intensive use of the site
-Waste management.
-Impact to the operation of the highway and access.

Consideration of the proposals is set out in full in the remainder of this report.

Description of site

This application relates to the vacant former Abbey Hey health clinic (Class E(e)), which is a part single, part two storey building at the junction of Western and Constable Street. The site has a parking and servicing area in front of the building, with a covered area, on the frontage of the building, below the first-floor element of the building.

The building is constructed in common brick and white panels with significant amounts of glazing, although all the windows, at the premises, are currently boarded up.

Existing building viewed from Constable Street

The site is located within an existing residential area, with mainly terraced dwellings to the north, on Western Street, and to the east on Constable Street. To the west and south is a new housing development, of two-storey terraced and semi-detached residential properties, with the King George V Park beyond, approximately 125 metres from the site.

Western Street elevation of building with adjacent two storey housing

Aerial view of building

Relevant Planning History

In September 2022 a stage 1 a 'Permission in Principle' was granted to establish the principle of a change of use to residential and a quantum of development of up to 6 no. dwellinghouses (134827/PIP/2022). All matters relating to scale, layout, access, appearance and landscaping were conditioned to form part of the Stage 2 Technical Details application. No such application has been made.

In January 2024 a planning application was received (138901/FO/2023) to change the use of the building into a Hostel (sui generis use) to be used by individuals who need short term accommodation. The submitted floor plans indicated 15 bedrooms,

with associated communal areas. At that time, whilst all the windows were boarded up, there was no evidence that suggested that the use was already operating. This application was refused, on 1 March 2024, due to concerns relating to potential impacts on neighbouring residents and also due to the unacceptable standard of living accommodation for the potential residents.

Subsequently, an Enforcement Notice was served, on 12 April 2024, to secure the cessation of the hostel use (ENF/15731/24). The notice came into effect on 18 May 2024 with a three-month time period for compliance (i.e. until 18 August 2024). It has been confirmed that this notice has been complied with.

Description of development

It is now proposed to change the use of the building to form 6 no. residential apartments (1 x one bedroom, 3 x two bedroom and 2 x three-bedroom apartments). External alterations are also proposed, to give the building a more residential appearance, but there are no extensions proposed. The buildings existing primary access point, from, Constable Street, will be retained, to be used by 4 of the flats, with two new doors being created, also on the Constable Street frontage, to provide direct access to each of the remaining 2 flats.

The proposal also involves some minor external alterations to the building, which mainly comprises of the removal of 2 existing doors, and creation of 2 new doors, onto Constable Street and the replacement of some existing cladding and glazing, at the rear of the building, with brickwork.

In addition, garden areas are proposed, to the front and rear of the building, with 6 car parking spaces, accessed from Constable Street, and 6 cycle spaces provided in a covered secure shelter located to the rear of the building. The proposal also includes 1.1-metre-high metal railings and gates, along the Western Street and Constable Street site boundaries, with 1.8-metre-high boundary fencing retained, around the remaining site boundaries. In addition, two 1.8-metre-high gates are proposed to prevent access, to the rear garden area, for non-residents.

Proposed site layout

Consultations

Local Residents - No individual comments received from individual residents.

Abbey Hey Residents Association - Make the following points:
- Parts of the submission refer to the application being for an HMO. The area does not need apartments which could be used as HMOs. The design of the 3-bedroom apartments do not lend themselves to family living as there is little accommodation for family life. The three bedrooms could easily accommodate a number of independent individuals as could the smaller units. The three-bedroom apartments have 2 bathrooms and only a kitchen/ living area which does not meet the needs of families.
- Question how the gardens will be maintained.
- The building was used illegally as an HMO and it would appear is still in use. The wheeled bin is full, rubbish bags on the ground, vehicles parked on site, internally lights, movement within the building. The planning application is accurate in stating

that the windows are boarded from the outside - a fire and health and safety hazard for whoever is living in there currently.
- The proposed work to create these apartments is minimal. The building was purpose built as medical facility and is not suitable for adaption to housing in the twenty first century.
- With the number of car and cycle parking spaces proposed it appears that the site would be occupied by more people than is being suggested
- The building and land were acquired with permission for family housing similar to that on the adjoining site. The earlier approval in principle was for 6 family houses - (ref 134827/PIP/2022), which would meet the needs of the locality rather than apartments. That application clearly explains the need for family housing in the area and that the demolition of the building and the erection of family housing would meet the needs of families looking for homes in the area. The houses would be designed so that the blend well with the existing housing immediately adjacent to the site. The planning officer's report attached to that approval is very clear in the needs of the local area and community and it would be wrong to dismiss the reasons contained in that report. The current application would appear to be a disguised application intending to provide an HMO.
- The Waste Management plan states that the Management will be responsible for bins being taken to the collection point. What management should there be if they are individual units?

Ward members

Cllr Julie Reid has submitted an objection and states it is on behalf of the three Ward Councillors with the objections being the same as Abbey Hey Residents Association. A separate objection has been received from Councillor John Hughes raising concerns relating to use as an HMO.

Highway Services - Makes 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 located in an established residential area and is well accessed by public transport with bus services operating within walking distance from Abbey Hey Lane. Gorton Railway Station is also located within walking distance of the site. Parking provision is appropriate.

The Design and Access Statement confirms that 12 cycle parking spaces (provision 200%) will be provided in a cycle store at the front of the building. This is acceptable to Highways.

Highways note that surrounding footways are in poor condition, likely caused by vehicular overrun associated with the previously operational Clinic car park. The plan confirms that footways bounding the site will be resurfaced as part of the development proposals. This is welcomed by Highways.

It is recommended that all fencing / railings adjacent to the adopted highway are visually permeable from a distance of 600mm upwards to ensure adequate visual permeability for child pedestrians.

The plan confirms that all gates will open inwards which is acceptable to Highways A refuse storage area is noted within the site. This is considered to be appropriate in ensuring no obstruction on the adjacent highway.

Waste will be collected along Western Street via the existing arrangement at existing properties. It should be ensured that bins are not stored on the adopted highway prior/post collection.

Given that the site is located within a residential area, Highways recommend that a Construction Management Plan (CMP) is conditioned with any approval.

Strategic Area and Citywide Support Manager - Recommends that conditions are attached, to any permission, in relation to air quality, construction hours and approval of the submitted waste storage arrangements.

Flood Risk Management Unit - No objections and no condition is proposed, although an informative is proposed.

Greater Manchester Police – Considered the scheme to be satisfactory subject to details submitted by the applicant relating to security features and being subject to secured by design standards.

Greater Manchester Ecology Unit - Considered that, as the site has been unoccupied, for a significant period of time, a bat survey is required which they would like to see prior to determination. No biodiversity enhancement requirements were requested.

Whilst the hostel use was unauthorised, the site has recently been occupied, it is a flat roof building, and no demolition is proposed. On this basis, it is considered that a bat survey is not required, prior to determination, and it is appropriate to attach a condition, to any planning permission granted, which requires this to be completed and approved, prior to the future occupation of the building.

Policy

Section 38 (6) of the Town and Country Planning Act 2004 states that applications for development should be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The adopted development plan consists of the Core Strategy (adopted 2012), the Places for Everyone Joint Development Plan (adopted March 2024) and the saved policies of the Unitary Development Plan. Due consideration in the determination of the application will also need to be afforded to national policies in the National Planning Policy Framework (NPPF) which represents a significant material consideration.

The National Planning Policy Framework (December 2023) - sets out Government planning policies for England and how these are expected to apply. The NPPF seeks

to achieve sustainable development and states that sustainable development has an economic, social and environmental role. The NPPF outlines a “presumption in favour of sustainable development”. This means approving development, without delay, where it accords with the development plan and 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 following specific policies are considered to be particularly relevant to the proposed development:

Section 5 (Delivering a sufficient supply of homes) – The proposals would provide 6 residential units on a site previously used for non-residential purposes.

Section 6 – (Building a strong and competitive economy) - The proposal would create jobs during the development works

Section 8 (Promoting healthy and safe communities) – The proposals are accompanied by details on measures to be included into the development to reduce the opportunities for crime and the fear of crime.

Section 9 (Promoting Sustainable Transport) – The proposal is in a location accessible by public transport.

Section 11 (Making Effective Use of Land) – The proposal would re-use an existing vacant building for the provision of residential accommodation.

Section 12 (Achieving Well-Designed Places) – The proposals are supported by a Design and Access statement that sets out the context of the site and the design process undertaken, including the layout of the site. This matter is considered in more detail within the issues section of this report.

Section 15 (Conserving and enhancing the natural environment) – The site contains no natural features and includes the provision of new garden areas giving the potential for biodiversity net gain.

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.

The following policies within the Core Strategy are considered relevant:

Policy SP1 (Spatial Principle) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. The proposals seek to provide additional diversity in terms of type of housing within the area and towards the creation of neighbourhoods of choice.

Policy H4 relates to sites in East Manchester and states that, over the lifetime of the Core Strategy, East Manchester will accommodate around 30% of new residential development. Priority will be given to family housing and other high value, high quality development where this can be sustained.

Policy H11 mainly relates to Houses in Multiple Occupation, but also to all proposals for conversion of existing properties into flats. It states that changes of use would be permitted only where the accommodation to be provided is of a high standard and where it will not materially harm the character of the area, having particular regard to the criteria in policy DM1.

Policy EN4 (Reducing CO2 Emissions by Enabling Low and Zero Carbon) states that the Council will seek to reduce fuel poverty and decouple growth in the economy, growth in CO2 emissions, and rising fossil fuel prices, through measures including reducing the need for energy through design features in new developments, that allows advantage to be taken of opportunities for low and zero carbon energy supplies.

Policy EN 15 (Biodiversity and Geological Conservation) - The policy indicates that the Council will seek to maintain or enhance sites of biodiversity and geological value throughout the city.

Policy EN19 relates to waste and states that the Council will require all developers to submit a waste management plan to demonstrate how both construction and demolition waste will be minimised and recycled on site wherever possible and how the sustainable waste management needs of the end user will be met.

Policy T2 states that outside the City Centre all new development should provide appropriate car parking facilities.

Policy DM1 (Development Management) states that new development should have regard to more specific issues including: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection

Unitary Development Plan - The site is unallocated in the plan.

Saved policy DC5 relates to flat conversions and states that, in determining planning applications to convert property to flats, the Council will have regard the standard of accommodation for the intended occupiers of the premises, the effects on adjoining houses as a result of noise from flats, the adequacy of car parking, the general effects on the character of the neighbourhood, adequate private outdoor amenity space, the desirability of achieving easy access for all and the satisfactory provision

of refuse storage and collection facilities. It states that there will be a general presumption in favour of flat conversions within residential areas,

Saved Development Control policy DC26, of the Unitary Development Plan, relates to development and noise and 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.

Places for Everyone - The approved Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester.

The Plan identifies the essential aspect of the efficient and effective use of land with the preference to be given to making as much use as possible of suitable previously developed brownfield land and vacant buildings when meeting development needs. Securing higher densities in the most accessible locations is identified as helping to maximise the ability of people to travel by walking, cycling and public transport and reduce the reliance on the car.

Relevant policies of PfE in this instance are:
JP-S1: Sustainable development
JP-C8: Transport Requirements of New Development
JP-P1: Sustainable Places
JP-G8: A Net Enhancement of Biodiversity and Geodiversity

Other Material Considerations

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (April 2007)

This Supplementary Planning Document supplements guidance within the Adopted Core Strategy with advice on development principles including on design, accessibility, design for health and promotion of a safer environment.

Manchester Green and Blue Infrastructure Strategy 2015

The Manchester Green and Blue Infrastructure Strategy (MGBIS) sets out objectives for environmental improvements within the city within the context of objectives for growth and development.

Manchester Residential Quality Guidance (July 2016) (MRQG)

This document provides specific guidance on what is required to deliver sustainable neighbourhoods of choice where people would want to live and also raise the quality of life across 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 apartments, which all meet these minimum standards.

Our Manchester Strategy 2016-25 sets out the vision for Manchester to become a liveable and low carbon city that will:
- Continue to encourage walking, cycling and public transport journeys;
- Improve green spaces and waterways including them in new developments to enhance quality of life;
- Harness technology to improve the city's liveability, sustainability and connectivity;
- Develop a post-2020 carbon reduction target informed by 2015's intergovernmental Paris meeting, using devolution to control more of our energy and transport;
- Argue to localise Greater Manchester's climate change levy so it supports new investment models;
- Protect our communities from climate change and build climate resilience.

Manchester: A Certain Future (MACF) - This is the city-wide climate change action plan, which calls on all organisations and individuals in the city to contribute to collective, citywide action to enable Manchester to realise its aim to be a leading low carbon city by 2020. Manchester City Council (MCC) has committed to contribute to the delivery of the city's plan and set out its commitments in the MCC Climate Change Delivery Plan 2010-20.

Issues

Principle - The site lies in an area of predominantly residential uses. The nearby properties are generally two storey family dwellings, and a residential use is therefore considered to be an appropriate use of the site. The building has recently been used as an unauthorised hostel, which was the subject of enforcement proceedings, and this use has now ceased. Prior to this, the building had been vacant for some time, but it is considered to be in a relatively good condition and is capable of conversion and it is considered that the proposed development would bring this building back into use and reinvigorate this site. The proposal is therefore considered to be acceptable in principle.

Redevelopment of the Site and Contribution to Regeneration -The proposal would redevelop a building which is currently vacant and occupies a site adjacent to other residential properties. The site is located within easy access to Gorton District Centre and other services are also located close by to the site. It is considered that any perceived harm arising from this change of use is outweighed through bringing the site into a residential use including through diversification of housing choice, job creation through the construction process and benefits to the local economy via increased expenditure at local businesses.

Potential use of the site for 2 storey family housing – The previous planning permission, for 2 storey family housing, identified above (134827/PIP/2022) was an approval in principle and required a further Stage 2 Technical Details application to be submitted. No such application has been made and, whilst this form of development was supported, there is no guarantee that any such development would ever be pursued on this site. The proposed application would result in six apartments that meet the Council’s space standards, have access to private garden space and off street car parking.

Standard and Mix of Accommodation – The proposal originally sought permission for 8 smaller flats, but the scheme was reduced to 6 units, providing a mix of 1, 2 and 3 bedroom units, all of which meet the Council's space standards requirements as set out in the Manchester Residential Quality Guidance. The majority of flats (4) are on the ground floor all flats would have access to good sized garden areas, as well as lying in close proximity to the large King George V Park, approximately 125 metres from the site, along with the Fallowfield loop, a linear walking and cycling route which links a number of recreational areas through this part of the city. The proposed housing mix, and standard of accommodation, is therefore considered to be acceptable in principle.

Accessibility – The proposals incorporate level access for the four ground floor flats, with access to the 2 upper floor flats being by way of an internal stairway. Doorways are wide enough to accommodate wheelchairs and mobility aids, and corridors are sized to allow easy manoeuvrability.

Residential Amenity - Concerns have been raised by the Residents Association and supported by the ward members, about the proposed use. It is apparent that the previous unauthorised hostel use caused some disamenity for local residents, and there are concerns that the building would again be used as hostel/HMO accommodation, rather than the indicated apartment use. It cannot be assumed though that this would be the case and this application would allow for the premises to be used as 6 apartments only and action could be taken against any unauthorised use of the premises, such as a Hostel/HMO.

Concerns have also been raised about the general suitability of the site for apartments, and that its redevelopment, as family housing would be preferable. The site lies in a residential area and a residential use is considered to be an appropriate form of development for the site. It is noted that 2 storey family housing would be an appropriate use of the site, as evidence by the previous planning permission ((134827/PIP/2022), but this development has not come to fruition and the current application needs to be assessed on its merits. The immediate area contains other apartment buildings, including the nearby multi-storey Abbey Court, and bringing a vacant building back into an active residential use, is considered to be a use that would be compatible with its surroundings.

A further concern was the proposed level of occupancy of the site. The 6 apartments proposed indicate a total of 21 bed spaces, which is an average of 3.5 persons a unit. It is not considered that this is likely to be significantly higher than if 6 houses were built on site. Furthermore, the premises were previously used as a clinic, which would have seen significant comings and goings at the site on a daily basis.

A residential use, of the premises, would generate activity, and comings and goings associated with the proposed use. These activities and movements would largely be similar to other residential properties in the immediate area. Given the previous use of the building, and that this was unrestricted in terms of operational hours, a residential use is considered to be consistent with the prevailing character of the wider neighbourhood. The scheme includes the provision of 6 car parking spaces, but this is significantly lower than previous car parking provision at the site.

It is not therefore considered that noise generated by the use of the site for residential purposes and associated car parking areas would be significant. On balance, it is therefore considered that the proposal would have a positive and beneficial effect to the area and are not considered to give rise to significant impacts on the residential amenity of existing residential properties and their occupiers.

The building is two storeys high, on the Western Street frontage only, with the remainder of the building being single storey. The development would utilise existing windows at the site, so the arrangement would be no different to what previously existed on site. The windows, in the two-storey element would be approximately 16 metres, from the residential properties opposite, on Western Street, but this is no different than that which exists elsewhere in nearby terraced streets, with some properties 13 metres apart. At the rear, it is not considered that the ground floor windows would lead not any overlooking of the garden areas of properties to the rear. Given this distance separation and positioning of the proposed windows it is not considered that this would give rise to unacceptable relationships between the proposed apartments and existing residential properties in terms of overlooking or loss of privacy.

Applicants' response to the objections raised – The applicant states that, at the start of the year, they let the Abbey Hey Clinic on a short tenancy as temporary storage and office space. However, the tenant used the property as an HMO, at which point they acted promptly and efficiently along with the police, fire services, neighbourhood committee and council to evict the tenant responsible for improperly using the building and the people they had moved into the property. The applicant has since decided not to re-let the property to avoid another instance similar to this.

The applicant wants to stress that they are applying to use the premises as apartments, and they are not applying for an application for an HMO. Neither are they planning to use the Apartments as an HMO.

They consider that the apartments have been designed, to a good standard, and meet the required space standards. They will assign the property to their maintenance team to ensure its upkeep

The applicants also state that they have hired security guards that attend the property which explains the movement and activity at the site and the rubbish bags and full bins, at the site, are due to their efforts in addressing fly tipping at the site.

They state that parking currently taking place at the site, is by the general public, which would be addressed when site works are carried out to provide residents only parking.

The applicants conclude by stating that they understand the community's concerns with having a large HMO in the area after the issues that were created by the previous tenant. Their target tenants are professional households and they want to make a clear distinction between themselves and the previous tenant, who introduced the unauthorised HMO use.

Highways and transport – The proposal includes the provision of 6 car parking spaces accessed from Constable Street. Currently the whole of the Constable Street frontage of the site is occupied by car parking (approximately 12 spaces) and it is not therefore considered that the proposals would give rise to unacceptable impacts on highway or pedestrian safety or highway. Currently the whole of the Constable Street frontage can be freely accessed by vehicles, and the proposal would lead to 3 separate access points for vehicles, each directly accessing 2 spaces, with the remainder of the Constable Street and Western Street frontages having new boundary treatment erected. This arrangement is considered to be acceptable to Highway Services.

The site is considered to be located in a sustainable location close to local amenities and served by a bus route, and the nearby Gorton train station. Given this and the provision of 6 secured and covered cycle parking spaces, in the rear garden, the level of on-site car parking proposed is considered acceptable in this instance and the proposals are not considered to be likely to give rise to any impacts on highway or pedestrian safety.

External alterations/Visual amenity – The changes proposed, to the external appearance to the building, are quite minimal and mainly comprise of the removal of 2 existing doors, and creation of 2 new doors, onto Constable Street and the replacement of some existing cladding and glazing, at the rear of the building, with brickwork. In addition, the boarding currently installed, over the existing windows, would be removed. It is considered that these changes would have a minimal visual impact upon the locality.

At present the Constable Street and Western Street boundaries of the site are completely open. There are some cars parked on the Constable Street frontage of the site and otherwise this appears to be used for ad-hoc ball games. Along these boundaries the proposal includes 1.1-metre-high metal railings and gates, which, combined with the provision of some garden areas behind, is felt will improve the visual relationship of the site, with the surrounding area. Although there is some concern that the property does not have a domestic appearance the proposed external alterations together with the proposed boundary treatments and landscaping would create a much more domestic character.

Proposed Constable Street boundary treatment

Proposed Western Street boundary treatment

Ecology/ Biodiversity Net Gain – At present there is no grass/landscaping/trees/ biodiversity on site, with all external areas being hardstanding. The proposal includes a significant amount of new grass/garden areas, which would allow the scheme to incorporate areas of soft landscaping and planting on site, and an appropriate condition is recommended in this regard. The Greater Manchester Ecology Unit were consulted, about this application, and no biodiversity enhancements were recommended.

Sustainability - The applicant has stated that the development will meet the requirements of Core Strategy EN4, in full, and they have requested that these details be conditioned with a view to producing an Energy Statement to be submitted for approval, prior to the commencement of works, should planning permission be granted. An appropriate condition is therefore proposed.

Air Quality – No significant external alterations are proposed, in relation to this development, but there will be extensive site works and, as the site lies in a residential area, a construction management condition is proposed. Also, given the future residential use of the site, a condition is proposed relating to the measures to be adopted to ensure that the development does not have an adverse impact upon air quality at the site. This includes the provision of electric vehicle charging points and an assessment of changes in air quality due to construction and operational phase of the development.

Refuse – The submitted plans indicate that part of the building would be converted into a waste store. This is close to the corner of Constable Street and Western Street, so appears to be easily accessible for refuse vehicles on their normal route through the surrounding streets. Highways Services and Environmental Health Officers consider that the proposed refuse collection details are acceptable, and a condition is proposed regarding the implementation of these proposed measures on site.

Crime and Safety – Apart from the proposed front boundary treatment indicated above, the existing 1.8-metre-high boundary fencing, around the side and rear of the site would be retained. In addition, two 1.8-metre-high gates are proposed to prevent access, to the rear garden area, for non-residents. Notwithstanding the low front gates, proposed along Constable Street and Western Street, access to the rear of the site would be restricted. In addition, other security measures are proposed including controlling doors by key card system, provision of intercom system for vetting of visitors, entrances fitted with external entrance lighting and all alterations being completed to the Secure By Design Standards. These measures are considered to be acceptable, to Greater Manchester Police and an appropriate condition is proposed to ensure that these measures are provided on site.

Conclusion – The proposals seek the change of use of a vacant building for the provision of 6 apartments, of various sizes, within a sustainable location. The proposals are considered to be of an acceptable design providing ample sized accommodation and amenity space. Whilst concerns have been raised with the proposals it is considered that, in part, these are due to issues caused by the previous unauthorised use of the site and a concern that it would again revert to a Hostel/HMO use, if permission is granted for flats. If this did happen there are courses of action open to the Council but, based on the merits of this particular proposal, it is considered that this is an appropriate use of the site, that would not give rise to significant adverse impact upon surrounding residents or the general locality.

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 the right to a fair hearing and to this end the Committee 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 of the application 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

The application has been determined in a positive and proactive manner, in this instance issues have been raised with the applicant and further information has been provided.

Condition(s) to be attached to decision for approval

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Waste Management Strategy, stamped as received by the City Council, as Local Planning Authority, on 29 April 2024

Drawings numbered 0157-PA-001 rev B, Fl0157-PA-004 rev C, 0157-PA-005 rev D and 0157-PA-006 rev D, stamped as received by the City Council, as Local Planning Authority, on 25 June 2024

RYA Architectural Studios Design and Access Statement dated 26 June 2024 and drawing numbered 0157-PA-002 rev E, stamped as received by the City Council, as Local Planning Authority, on 26 June 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) Prior to the commencement of above ground development, all materials to be used on all external elevations of the development shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall include the submission of samples and specifications of all materials to be used on all external elevations of the development. The approved materials shall then be implemented as part of the development.

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, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

4) Prior to the commencement of development, a demolition/construction (delete as appropriate) management plan outlining working practices shall be submitted to and approved in writing by the City Council as Local Planning authority, which for the avoidance of doubt shall include as a minimum:

Hours of working
Measures to control noise and vibration;
Dust suppression measures;
Compound locations where relevant;
Phasing and quantification / classification of vehicular activity associated with planned construction. This should include commentary on types and frequency of vehicular demands together with evidence of satisfactory routeing both within the site and on the adjacent highway.
Details of contractor parking in the locality and management measures associated with any temporary impacts on existing business servicing operations due to construction activities within the service yard area.
Details of an emergency contact telephone number;
Sheeting of construction vehicles.

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

Reason - To safeguard the amenities of nearby residents, pursuant to policies SP1, EN9, EN19 and DM1 of the Manchester Core Strategy

5) a) Prior to commencement of the development, a scheme for [include as necessary: electric vehicle charging and any other considerations, for example] boiler emissions, 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: In the interests of the air quality surrounding the development and to secure a reduction in air pollution from traffic or other sources in order to safeguard the amenity of nearby residents from air pollution, pursuant to policies SP1, EN16 and DM1 of the Manchester Core Strategy and Greater Manchester Air Quality action plan 2016.

6) Prior to first occupation of the development hereby approved, the security measures indicated in the Design and Access Statement dated 26 June 2024 and stamped as received by the City Council, as Local Planning Authority, on 26 June 2024, shall be incorporated into the development. All works shall be carried out to Secured by Design Standards and shall be thereafter retained.

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

7) The details contained within the Waste Management Strategy, stamped as received by the City Council, as Local Planning Authority, on 29 April 2024 and indicated on drawing numbered 0157-PA-002 rev E, stamped as received by the City Council, as Local Planning Authority, on 26 June 2024, 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 policies DM1, EN19 and SP1 of the Manchester Core Strategy.

8) The car parking indicated on the approved drawings shall be surfaced, demarcated and made available for use prior to any of the residential units hereby approved being occupied. The parking areas shall be for the sole use of residential occupants of the development and their visitors and shall be available for use at all times whilst the apartments are occupied.

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

9) Prior to first occupation, of any of the approved apartments, a secure cycle shelter shall be installed on site in accordance with elevational details that shall be submitted to and approved in writing by the City Council, as Local planning Authority, and in the location indicated on drawing numbered 0157-PA-002 rev E, stamped as received by the City Council, as Local Planning Authority, on 26 June 2024. The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with policies SP1, T1 and DM1 of the Manchester Core Strategy.

10) Prior to the first occupation, of any of the approved apartments, a hard and soft landscaping treatment scheme (including tree planting) shall be 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 and DM1 of the Manchester Core Strategy.

11) The boundary treatment hereby approved shall be carried out in accordance with the details indicated on drawings numbered 0157-PA-005 rev D and 0157-PA-006 rev D, stamped as received by the City Council, as Local Planning Authority, on 25 June 2024. The boundary treatment shall be completed before the approved

apartments are occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no boundary treatment shall be erected on site, other than that shown on the approved plans.

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 in order to comply with policies SP1 and DM1 of the Manchester Core Strategy.

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

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of residential accommodation that is suitable for people living as families pursuant to policy 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1. H11 and DM1 of the Manchester Core Strategy.

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

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

14) Notwithstanding the General Permitted Development Order 2015 as amended by the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 or any legislation amending or replacing the same, no further development in the form of upward extensions to

the building hereby approved shall be undertaken other than that expressly authorised by the granting of planning permission.

Reason - In the interests of protecting residential amenity and visual amenity of the area in which the development in located pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking and re-enacting that Order with or without modification), no openings, including windows and doors, shall be inserted within the elevations of the extension, other than those shown on drawings numbered 0157-PA-005 rev D and 0157-PA-006 rev D, stamped as received by the City Council, as Local Planning Authority, on 25 June 2024.

Reason - In the interests of the amenities of the occupiers of the neighbouring properties, pursuant to policy DM1 of the Manchester Core Strategy.

16) Prior to any above ground works commencing on site an Environmental Standards Statement shall be submitted to, and approved in writing by, the City Council, as Local Planning Authority. The statement shall demonstrate measures to be incorporated into the development to achieve energy efficiency and approved measures shall be implemented in the approved development. Prior to occupation of any of the apartments a post development review certificate/statement shall be submitted for approval, within a timescale that has been previously agreed in writing, to the City Council as Local Planning Authority.

Reason - In order to minimise the environmental impact of the development, pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Manchester Core Strategy, and the principles contained within The Guide to Development in Manchester SPD (2007), and the National Planning Policy Framework.

Informatives to be attached to any decision to approve

1) The applicant will be required to enter into a Section 278/184 agreements for the alterations to the existing highways, and for the resurfacing of footways. This will require the agreement with MCC's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004). This will be funded at the applicant's expense.

A S278 agreement is required for works to the adopted highway - a deposit is required to begin the S278 application, additional costs will be payable and are to be agreed with S278 Statutory Approvals team. Following an assessment of the scope of works, all additional estimated costs are required to be paid in full prior to the expenditure of the initial deposit, or work on the technical approval process will cease and can delay the programme for the start of works on site. The minimum standard S278 technical approval timescale is between 4-6 months and, if TRO's are included, can take 12 months so this should be programme this into the development timetable. Please note: works will not be able to start on the highway until technical approval has been given by the S278 Engineer and the relevant highways permits granted.

Any modifications / improvements to the public highway or footpath will require agreement with MCC's Highways Applications and Network Resilience teams. This will be funded at the applicant's expense. The following link provides access: https://www.manchester.gov.uk/directory_record/451887/permission_to_work_on_the_highways_-_section_278_agreements

The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Email: highwaylicences@manchester.gov.uk.

2) MCC records highlight that the underground Corn Brook Tributary Gorton is located within close proximity to the site (approximately 45 m to the South of the site), while our records are frequently updated to ensure the highest level of accuracy, the records cannot guarantee 100% accuracy for all culverted assets. Therefore, we would request that the applicant informs the onsite contractor to remain observant and to take the appropriate safety precautions during excavation works. If any major unknown drainage assets are found beneath the site, then further investigation works should take place to identify the asset and MCC Lead Local Flood Authority (LLFA) should be contacted immediately. Any alterations to an ordinary watercourse will require consent from MCC LLFA under Land Drainage Act 1991. The developer can apply for land drainage consent (if required) via the following

link:https://manchester.civicapayforms.co.uk/Sales/LaunchInternet.aspx?saleform=drainage.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 139693/FO/2024 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

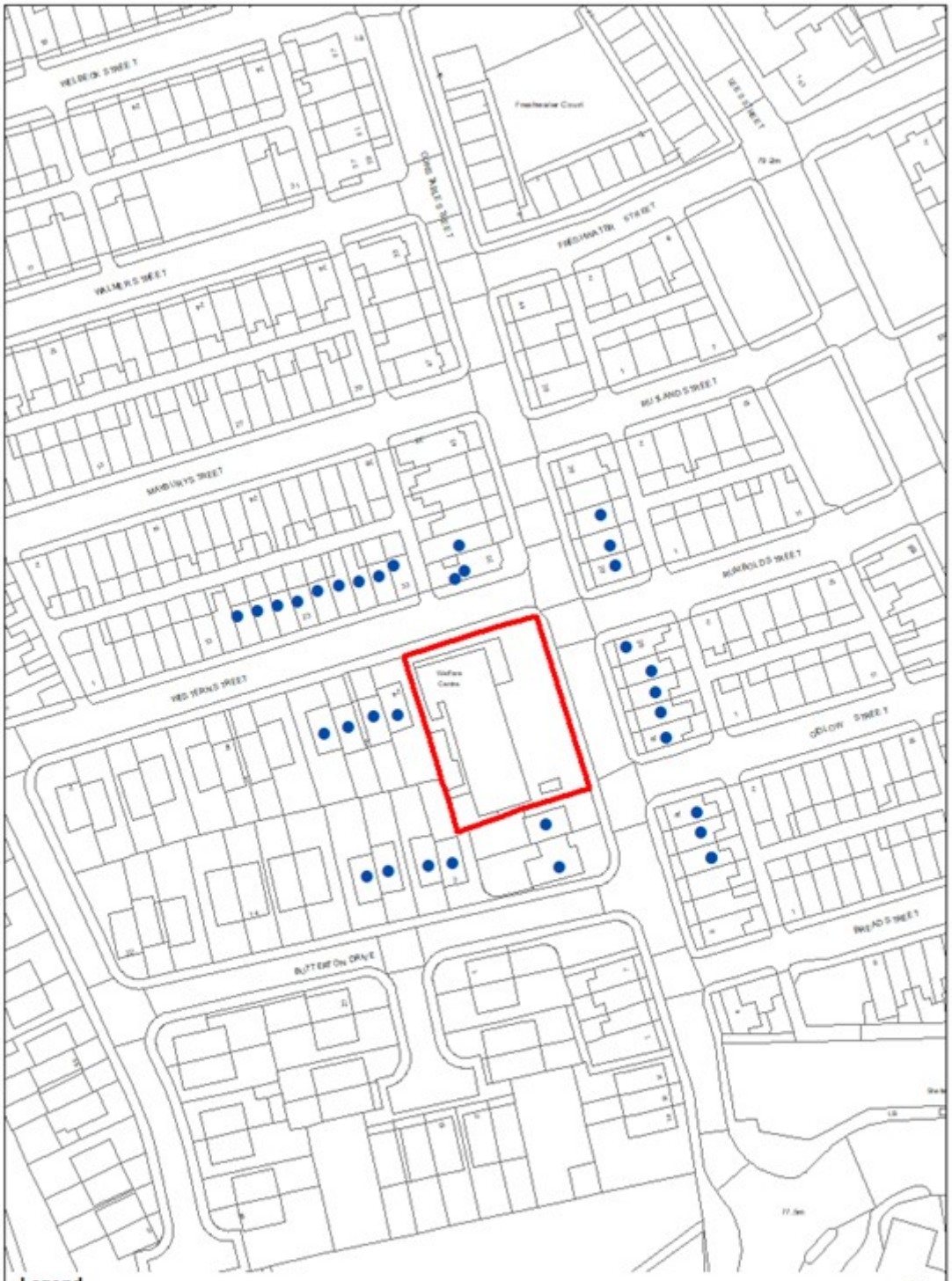
The following residents, businesses and other third parties in the area were consulted/notified on the application:

Greater Manchester Ecology Unit
Highway Services
Environmental Health
Greater Manchester Police
MCC Flood Risk Management

A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:
Abbey Hey Residents Association

Relevant Contact Officer : Ian Jarvis
Telephone number : 0161 234 4079
Email : ian.jarvis@manchester.gov.uk



Legend

Site Location ● Neighbours notified

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