MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139406/FO/2024
Date registered valid:	29 February 2024
Proposal:	Retention of ground floor studio apartment (Use Class C3) with associated elevational alterations.
Address:	3 Central Buildings, Kingsway, Manchester, M19 1SP
Ward(s):	Burnage Ward
Applicant:	Mr Habib Rouf
Agent (if any):	Mr David Bitan Debtal Architecture Ltd
Case officer:	Robert Tyrer Tel: 0161 234 4068 Email: robert.tyrer@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	25 April 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 8 April 2024

Standard consultations:
Printed: 12 March 2024 Expired: 4 April 2024

Neighbour notifications
Printed: 12 March 2024 Expired: 4 April 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

The application site relates to the rear of a two storey mid terraced building located within a parade of shops facing Kingsway. The upper floors of the building are in use as a flat and the ground floor building is currently a vacant commercial unit that is advertised to let.

At the rear a single storey rear extension has been constructed with a flat roof and white render walls and is accessed from the rear of the application site.



Photograph Montage 1 Site Photographs of the flat.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The wider area is predominantly residential in nature comprising of similar inter war two storey semi-detached and terraced housing, in recent years there have been a few smaller in fill developments for housing in the area.

The area is served by a parade of commercial properties located on the corner of Kingsway and Green End Road

Description of development

The applicant is seeking planning permission to retain a ground floor studio apartment (Use Class C3) with associated elevational alterations.

Consultations & Notification Responses

Publicity – Notification letters were sent to nearby residential properties (see appendix 1 for the list of properties).

Local residents/public opinion – A total of 5 representations have been received in respect of this application, 3 in support and 2 raising objections. The main points are summarised as follows:

Support

- Adds to the housing stock in the area, clever and efficient use of underutilised land.
- Flat provides a modern affordable housing and is in a highly sustainable area as it is within a short distance from local amenities and facilities as well as having good transport links.
- Provides a positive contribution to this area of Burnage and doesn't affect anyone in a negative way now or in the foreseeable future.
- Concerned for the current tenant if the application is refused and that they have to find alternative accommodation.

Objections

- The development has resulted in a poor level of amenity for the occupants;
    - Size of the flat does not comply with national space standards;
    - No access to suitable level of private amenity space;
    - Lack of safe storage for bikes and bins
- Increases the built form and has intensified the use which has resulted in neighbouring properties being subjected to an increase in noise, disturbance and risk of crime.
    - Concerns of the safety of the occupants, due to the absence of a front access to the property, the sole means of entry is vi the rear of the property accessed from a dim lit alleyway.
- The use will lead to increase in traffic on an oversubscribed street to the detriment of highway and pedestrian safety.
- Insufficient details on foul and surface water drainage arrangements.
- None Compliance with the Party Wall Act.
- Questions regarding ownership and use of side path.
- Concerns regarding visual amenity in terms of existing clutter of refuse bins in the area that are considered to be at full capacity.

- High criminal activity in the local area and are concerned with access to the flat being at the rear with the possibility that gates are left open which will therefore poses a significant security risk to the existing properties.

Environmental Health – No objection. Recommended conditions relating to acoustic insulation and refuse storage.

Highway Services – No objection, raised the following observations with the proposal:

- There is no on-site car parking associated with the development, and as such all vehicular demands associated with the site are anticipated to contribute to the level of vehicles parked on-street.

- 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.
    - No information on cycle parking has been provided by the applicant.

- No information has been provided on bin store location.
    - Can the applicant confirm the location of waste bins and waste collection point associated with the apartment?

Issues

Planning History

There has been very little in terms of planning history of the site, all the applications listed below date from the early to mid-1980s.

Application Reference: **026941**
Description: Change of hours condition attached to application ref.no. F19189 to permit the hours of opening of the licensed restaurant to be open until 2 a.m. Sunday to Thursday and until 3 a.m. Friday and Saturday
Decision: Application Refused - 30.07.1986

Application Reference: **026112**
Description: Illuminated double sided post mounted sign to forecourt of restaurant
Decision: Application Refused - 18.03.1986

Application Reference: **023698**
Description: New shopfront
Decision: Application Approved - 11.03.1985

Application Reference: **019189**
Description: Change of use from a hot food shop to an Indian restaurant and erection of a single storey extension at the rear
Decision: 25.05.1983

Legislative Issues

Local Policy

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant Core Strategy policies for this application are as follows:

Policy SP 1 (Spatial Principles) - Policy SP1 specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

a) Makes a positive contribution to neighbourhoods of choice including the creation of well-designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment.

b) Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible. DM1 – Development Management 1

Policy EN1 (Design Principles and Strategic Character Areas) – Requires that all development in Manchester is expected to follow the seven principles of urban design, as identified in the national planning guidance and have regard the strategic character area in which the development is located. Opportunities for good design to enhance the overall image of the City should be fully realised, particularly of major radial and orbital road and rail routes.

Policy EN19 (Waste) - Requires consideration of the submitted details relating to determine if the applicant has satisfactorily demonstrated how sustainable waste management needs of the end user will be met.

Policy H1 (Overall Housing Provision) - Residential development would positively contribute to local housing supply that secures appropriate and sustained occupation.

Policy H6 (South Manchester) – South Manchester will accommodate around 5% of new residential development over the lifetime of the Core Strategy

Outside of district centres priorities will be for housing which meets identified shortfalls, including family housing and provision that meets the needs of elderly people, with schemes adding to the stock of affordable housing.

Policy T1 (Sustainable transport) - Relates to the delivery of sustainable, high quality, integrated transport system, which encourages a modal shift away from car travel to public transport, cycling and walking and prepare for carbon free modes of transport.

Policy DM1 (Development Management) - States that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. Relevant considerations in this case are:

a) Appropriate siting, layout, scale, form, massing, materials and detail

b) Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development to ensure that development has regard to the character of the surrounding area.

c) Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation.

d) Accessibility: buildings and neighbourhoods should be fully accessible to disabled people with new development providing access to all via sustainable transport modes

e) Community safety and crime prevention

f) Design for health.

g) Adequacy of internal accommodation and external amenity space

h) Refuse storage and collection.

Unitary Development Plan (Saved UDP) Policies -The following saved Unitary Development Plan policy is also considered to be relevant:

Policy DC5 Flat Conversions

The following elements of policy DC5 are relevant:

DC5.1 In determining planning applications to convert property to flats, the Council will have regard to:

a. the standard of accommodation for the intended occupiers of the premises;

b. effects on adjoining houses as a result of noise from flats passing through party walls and affecting adjoining houses;

c. adequacy of car parking, off-street car parking being normally required where practicable, and essential where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created;

d. general effects on the character of the neighbourhood, including the extent to which flat conversion schemes are a new or an established feature of the immediate area, avoiding the loss of front gardens and the retention of existing trees and shrubs;

e. adequate private outdoor amenity space;

f. the desirability of achieving easy access for all, including disabled people (as a minimum, access for disabled people will normally be required in conversions of ground floor accommodation);

g. the satisfactory provision of refuse storage and collection facilities.

DC5.2 There will be a general presumption in favour of flat conversions within residential areas, on the upper floors of businesses within commercial areas and in properties on main road frontages, subject to other relevant policies of the Plan. They will be particularly welcome where large, old, difficult to re-use properties are involved, and where proposed schemes provide investment enabling the retention and improvement of housing stock.

DC5.3 Notwithstanding policy DC5.2, the Council will normally refuse permission for any developments in this category which:

a. do not provide accommodation to the Council's current approved standards;

b. are in tightly-packed residential streets where there is no scope for off-street car parking and where there is already an acknowledged problem of on-street congestion;

c. involve conversion schemes without adequate private external amenity space;

d. are schemes without satisfactory refuse storage and collection facilities.

The Guide to Development in Manchester SPD

Manchester Residential Quality Guidance

Places for Everyone Joint Development Plan – 2022 to 2039

On the 21st March 2024, nine of the ten Greater Manchester Councils voted to adopt the Places for Everyone Joint Development Plan – 2022 to 2039 (PfEJDP); Manchester City Council is one of the Council's that has voted to adopt the plan. The PfEJDP has superseded parts of some of the policies contained within the Council's Core Strategy.

The relevant PfEJDP policy is as follows:

Policy JP-P1 (Sustainable Places) aims to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy and varied places, each having the following key attributes that all development, wherever appropriate, should be distinctive, with a clear identity, visually stimulating, socially inclusive, resilient, adaptable, durable, resource efficient, safe, supported by critical infrastructure, functional and convenient, incorporating accessibility, legible easy to move around, well connected, comfortable and inviting, incorporating high quality and well managed green infrastructure and public realm, well served by local shops, services and amenities.

Policy JP-H 1 (Scale, Distribution and Phasing of New Housing Development) States that a minimum of 164,880 net additional dwellings will be delivered over the period 2021-37, or an annual average of around 10,305. Brownfield land will be the predominant source of land over the plan period. The new homes will be of good quality and design, adaptable, supported by the necessary infrastructure and amenities and their distribution will support the Plan's overall strategy which enables people to reduce the need to travel when taking advantage of our key assets.

Policy JP-H3 (Type, Size and Design of New Housing) States that all new dwellings must:

1. Comply with the nationally described space standards; and
2. Be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations, unless specific site conditions make this impracticable.

National Policy

National Planning Policy Framework (NPPF)

This Framework came into effect on 27th March 2012 and was amended and updated in July 2021 and again in September 2023. It sets out the Government's planning policies for England and how these are expected to be applied. It provides a mechanism through `which locally prepared plans for housing and other development can be produced.' It states that `at the heart

of the Framework is a presumption in favour of sustainable development.' However, the Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Furthermore, the statutory status of the development plan remains as the starting point for decision making. In 'decision-taking', this means that development proposals that accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The Framework has been related to the proposed development, with particular emphasis given to the following:

i. Chapter 5 Delivering a sufficient supply of homes.
ii. Chapter 8: Promoting healthy and safe communities.
iii. Chapter 11: Making effective use of land.
iv. Chapter 12: Achieving well-designed places.

Principle –- The applicant is seeking planning permission to retain a ground floor studio apartment (Use Class C3) with associated elevational alterations located at the rear of 3 Central Buildings located on Kingsway in Burnage.

It is unclear the circumstances that led to building of the rear extension that now contains the flat, the supporting documentation indicates that it was constructed under the belief that it would have been compliant with permitted development rights at the time of construction.

As the surrounding area is residential, the principle of residential accommodation is acceptable, in order to assess the conversion of the extension to a self contained flat consideration needs to be given to the provisions of policy DC5.2. These issues are as follows:

The standard of living accommodation/residential amenity including car parking and refuse storage.

Furthermore, consideration should be given to the residential amenity of the existing and future occupants of the main dwellinghouse.

Standard of Living Accommodation/Residential Amenity

The proposed plans indicate that the flat would provide accommodation totalling 37m^2 comprising a shower room/w.c and store, open plan bedroom, living, dining and kitchen room. Having regards to the internal space standards cited in the Manchester Residential Quality Guidance, which corresponds with the Nationally Described Space Standards the property would meet the minimum standard for a 1 bedroom, 1 person apartment with a shower room, had it been a bathroom it would have been required to be a minimum of 39m^2. However, the double bed would indicate that the flat is designed for 2 persons and 2 persons apartment has a requirement of a minimum of 50m^2 regardless of whether there is a bathroom or a shower room.

Policies SP1 and DM 1 of Manchester's Local Development Framework: Core Strategy Development Plan Document (the Core Strategy), and Saved Policy DC5 of the Unitary Development Plan for the City of Manchester (the UDP) together with Policy JP-H3 of the Places for Everyone Joint Development Plan – 2022 to 2039 require that, amongst other things, all development should also have a more general regard to the adequacy and standard of internal accommodation. Therefore, notwithstanding the shortfall in floorspace relative to the NDSS for a 2 person flat, a broader assessment of the internal layout of the flat is appropriate in considering the proposal.

The bedroom would include sufficient space to accommodate a bed, storage and circulation space, and the proposal considered to be acceptable in this respect. However, the open plan living, kitchen and dining area would be more constrained. Due to its size and configuration, the kitchen and dining area as indicated would have very little capacity for a living space with only a small armchair shown.

The property is accessed from the rear of the property 3 Central Buildings via poorly lit alleyway, at the time of the site visit it was unclear exactly what route both residents and visitors would take to reach the flat as there were no signposts. Secondly the nearest main gate was locked by a significant chain lock suggesting that this gate may not always be in use.

Whilst concerns have been raised regarding crime, no comments were received from GMP on the application and therefore it is unclear if there is a particular issue with crime in the area. However, the lack of natural surveillance does pose a risk for the occupiers and their guests.



Photograph Montage 2 Top photographs show the front and rear of the building knows as 3 Central Buildings. Lower photographs show the nearest gate to the flat which was locked at the time of the site visit.

There is one window to the front elevation of the flat which is obscurely glazed and a roof light (it is unclear if this is also obscurely glazed). Therefore, its outlook and proximity to the garden boundary fence of no.4 Oasis Close would create an unsatisfactory unit of living accommodation which would lack the level of amenity that the current and future occupants of the proposed flat could reasonably expect to enjoy.

The size of the dwelling, together with the configuration of space, lack of an outlook from the windows and access from the rear has resulted in the provision of inadequate living conditions for the current and future occupiers. The proposal would therefore conflict with policies SP1 and DM 1 of Manchester's Local Development Framework: Core Strategy Development Plan Document (the Core Strategy), and Saved Policy DC5 of the Unitary Development Plan for the City of Manchester (the UDP) together with Policy JP-H3 of the Places for Everyone Joint Development Plan – 2022 to 2039.

Outdoor Amenity Space / Impact on neighbouring occupiers

Clarification was sought in regard to the location for the storage of bins and whether there was any amenity space and cycle storage and a new landscape plan was provided it shows that the private rear yard is when compared with the location plan submitted with the original submission that this is outside the site edged in red and therefore may not be under the control of the applicant. Secondly as shown in the photograph provided the private amenity space is of a very poor standard and limited in size to be a meaningful amenity space. It is also directly overlooked by a window a the side of 4 Oasis Close and therefore cannot be considered to be private especially if the neighbouring properties also have a right of way as suggested by the comments received from the neighbour notification.

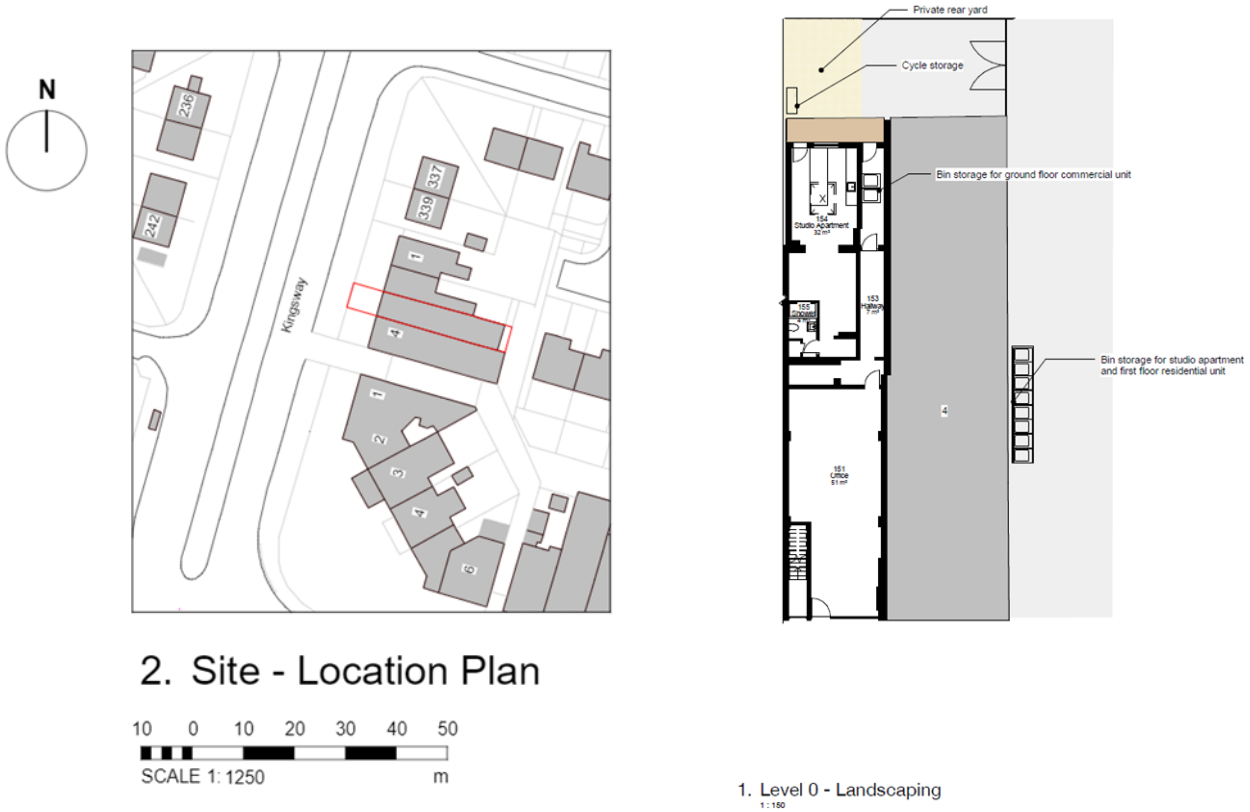


Image 1 Comparison between the site location plan and site edged in red and the landscaping plan provided to show bin storage, rear yard and cycle storage for the rear flat.



Photograph Montage 3 Proposed Rear Yard/Private Amenity Space

Concerns have been raised regarding noise and disturbance from the flat suggesting that the flat has already caused issues in this regard, whilst an additional flat on the face of it may be considered to provide only a moderate impact in terms of noise and disturbance, it is likely that the location of the flat at the rear of the property together with convoluted access to it from the front of Kingsway will likely mean that the flats either side will likely be disturbed by visitors and guests trying to identify and access the flat for deliveries etc for example disturbing the neighbouring by knocking on their doors.

Secondly it has been raised that the roof at the rear of the building is in use as a balcony for private amenity space for the first floor flat (see photograph montage 4). This is close to the rooflight located in the roof of rear flat and as such close to the bedroom for the occupier and any future occupier, thus again has the potential to cause noise and disturbance to the residents of the rear ground floor flat.



Photograph Montage 4 Rear private amenity space for the first floor flat, source: Manchester - Room in a Shared House, Central Buildings, M19 - To Rent Now for £575.00 p/m (openrent.co.uk) accessed 24.04.2024

Car Parking – No car parking is provided with the flat and whilst Highways have not objected to the application, they have noted that it is anticipated that this will increase the demand for on street carparking. Furthermore, the site is sustainably located close to shops, services and alternative methods transport, including, bus, tram and rail services, as well as opportunities for cycling and walking.

Therefore, whilst the car parking demand generated by the proposal would be limited, the development could result in further parking pressures on the surrounding network to the detriments of the existing and future occupiers.

Conclusion – It is acknowledged that national and local policies seek to boost the supply of housing significantly and the NPPF requires that housing applications be considered in the context of the presumption in favour of sustainable development. However, as explained above the factors in favour of the development do not outweigh the harm. In this case the proposal would be contrary to saved policy DC5 of the UDP and policies DM1 and SP1 of the Core Strategy and Policy JP-H3 of the Places for Everyone Joint Development Plan – 2022 to 2039 and Chapter 12 of the National Planning Policy Framework.

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 polices of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Refuse

Article 35 Declaration

The retention of the ground floor studio apartment would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or

conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

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

1) Standard of Accommodation:
The use of the rear extension of application property to form 1 bedroom self-contained flat, fails to provide adequate levels of gross internal amenity space which would give rise to a poor standard of living accommodation for future occupiers and inadequate residential accommodation contrary to policies DM1, SP1, H1, H6 and EN1 of the Manchester Core Strategy, guidance within the Manchester Residential Quality Guidance, Policy JP-H3 of the Places for Everyone Joint Development Plan – 2022 to 2039 and Chapter 12 of the National Planning Policy Framework.

2) Residential Amenity
The development by reason of its location at the rear of the building, its outlook and proximity to the garden boundary fence of no.4 Oasis Close would create an unsatisfactory unit of living accommodation which would lack the level of amenity that the current and future occupants of the proposed flat could reasonably expect to enjoy. As such the proposal is contrary to policies DM1, SP1, H1, H6 and EN1 of the Manchester Core Strategy, guidance within the Manchester Residential Quality Guidance, Policy JP-H3 of the Places for Everyone Joint Development Plan – 2022 to 2039 and Chapter 12 of the National Planning Policy Framework.

3) Over Intensive Use
The flat conversion has result in an over intensive use of the property, with a consequential increase in the levels of activity, noise, disturbance levels and demand for on-street parking. This in turn would has a detrimental impact upon the amenity of neighbouring residential occupiers, contrary to saved policy DC5 of the Unitary Development Plan for the City of Manchester, policies DM1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

4) Lack of Outdoor Amenity Space
The development fails to provide adequate levels of private amenity space to the detriment of the amenities of the current and future occupiers, contrary to saved policy DC5 of the Unitary Development Plan for the City of Manchester, policies DM1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Flat 1, Kingsway Buildings, 6A Kingsway, Manchester, M19 1PH
Flat 2, Kingsway Buildings, 6A Kingsway, Manchester, M19 1PH
Flat 3, Kingsway Buildings, 6A Kingsway, Manchester, M19 1PH
Kingsway Buildings, 6A Kingsway, Manchester, M19 1PH
3B Central Buildings, Kingsway, Manchester, M19 1SP
4 Oasis Close, Manchester, M19 1TR
2 Oasis Close, Manchester, M19 1TR
238 Kingsway, Manchester, M19 1DE
240 Kingsway, Manchester, M19 1DE
242 Kingsway, Manchester, M19 1DE
3A Central Buildings, Kingsway, Manchester, M19 1SP
Flat 2A, 2 Central Buildings, Kingsway, Manchester, M19 1SP
339A Kingsway, Manchester, M19 1BW
1 Central Buildings, Kingsway, Manchester, M19 1SP
Top Flat, 3 Green End Road, Manchester, M19 1SQ
Flat 3, 2A Kingsway Buildings, Kingsway, Manchester, M19 1PH
Flat 2, 2A Kingsway Buildings, Kingsway, Manchester, M19 1PH
Flat 1, 2A Kingsway Buildings, Kingsway, Manchester, M19 1PH
2A Kingsway Buildings, Kingsway, Manchester, M19 1PH
1 - 2 Kingsway Buildings, Kingsway, Manchester, M19 1PH
5 Kingsway Buildings, Kingsway, Manchester, M19 1PH
4 Kingsway Buildings, Kingsway, Manchester, M19 1PH
4A Kingsway Buildings, Kingsway, Manchester, M19 1PH
3 Kingsway Buildings, Kingsway, Manchester, M19 1PH
6 Kingsway Buildings, Kingsway, Manchester, M19 1PH
Flat 3, 4 Central Buildings, Kingsway, Manchester, M19 1SP
Flat 2, 4 Central Buildings, Kingsway, Manchester, M19 1SP
Flat 1, 4 Central Buildings, Kingsway, Manchester, M19 1SP
3A Kingsway Buildings, Kingsway, Manchester, M19 1PH
3 Green End Road, Manchester, M19 1SQ
4 Central Buildings, Kingsway, Manchester, M19 1SP
2 Central Buildings, Kingsway, Manchester, M19 1SP
339 Kingsway, Manchester, M19 1BW
5A Kingsway Buildings, Kingsway, Manchester, M19 1PH

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA