

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138629/FO/2023

Date registered valid: 22 December 2023

Proposal: Change of use of first floor to form 1 duplex residential flat (Class C3) with elevational alterations to form rear entrances to ground floor shop and proposed upper floor flat

Address: 1325 Ashton Old Road, Manchester, M11 1JT

Ward(s): Clayton & Openshaw Ward

Applicant: Mr Farah Akhter, Farah Architectural Ltd

Agent (if any): Ms Farah Akhter, Farah Architectural Ltd

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 13 February 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 7 February 2024

Standard consultations:

Printed: 4 January 2024 Expired: 25 January 2024

Neighbour notifications

Printed: 15 January 2024 Expired: 5 February 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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The planning application site is located on the northern side of Ashton Old Road and within Openshaw District Centre. The property comprises of two storeys and forms a retail and commercial parade between 1323 and 1331 Ashton Old Road. Between the adjoining Nos 1333 and 1339, the uses comprise a dental surgery, three houses and a funeral directors. To the rear the enclosed yard area can be accessed via alleyways from Beck Street and Mersey Street. Recently constructed housing is located to the north of the site. The ground floor is vacant and appears to have been most recently used as a Class E shop. Double yellow lines are positioned on the adjacent section of Ashton Old Road.



Fig.1 – Views of the front and rear of the application site.



Fig.2 – Views from the rear alleyways

Description of development

The proposed development would involve the formation of a separate entrance within existing ground floor rear elevation servicing the respective ground floor shop and upper floor flat. The entrance would be the sole means of accessing the flat and would be accessed via the rear yard and adjacent alleyways. The rear yard would facilitate separate bin storage for the respective uses. Internally, a staircase would facilitate access to the flat, which would comprise:

- i. First floor – Living room / kitchen, bedroom and shower room;
- ii. Roof space – Bedroom with roof light.

Consultations & Notification Responses

Local residents – No comments received.

Highway Services – The following comments have been received:

- i. Access to the residential flat will be provided via a new entrance foyer to the rear of the property.
- ii. The development would not be supported with off-street car parking. The development may impact on existing on-street parking.
- iii. The development should be supported with secure and sheltered cycle parking provision should be made within the curtilage of the site.
- iv. A refuse storage area for residential and commercial bins is proposed within the rear yard. This arrangement is acceptable.
- v. A waste management strategy has been submitted identifying a collection point on Beck Street for collection. The applicant should clarify that the proposed servicing arrangements can be delivered and that bins will be returned to the storage area following collection.

Environmental Health – The following comments have been received:

- i. A condition is requested to ensure that the development is supported with satisfactory attenuation against noise from Ashton Old Road.

- ii. Waste management arrangements should ensure segregated waste and recycling storage for the respective retail and residential uses.

GM Police Design for Security – The development is not supported as the proposed residential entrance would not be appropriately located. The existing access to the rear of the property has very little natural surveillance. Given the configuration of existing and neighbouring buildings, the proposed entrance would not be visible from the street. The development would lead to the formation of an isolated entrance. It is not considered that additional lighting would mitigate against the vulnerability of residents and visitors to criminality, fear of crime and anti-social behaviour when access and egressing the property.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019 and subsequently in September 2023. It represents key up to date national policy and is an important material consideration in determining the current application. A number of key aspects of the NPPF that impact on the considerations that need to be given to the current application are identified below. The document states that the 'purpose of the planning system is to contribute to the achievement of sustainable development. The document clarifies that the 'objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs'. The purpose of the planning system is to achieve sustainable development. It states that to achieve this, the following three overarching objectives need to be pursued mutually:

- i. The economic role should contribute to sustainable development by building a strong, responsive and competitive economy and ensuring the sufficient amount of and right type of development to support growth.
- ii. The social role is required to support communities by creating a high quality built environment with accessible local services to reflect the needs of the community.
- iii. The environmental role should protect and enhance the natural, built and historic environment.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. The following aspects of the Framework are considered to be relevant.

Section 8: Promoting healthy and safe communities - States that planning decisions should aim to achieve healthy, inclusive, accessible and safe places, where crime and disorder (and the fear of crime) do not undermine the quality of life or community cohesion. The proposed access and egress arrangements via secluded alleyways and rear yard would not provide secure and satisfactory routes for residents to the proposed entrance. The development would not deliver satisfactory safeguards for the security of future resident who may be vulnerable to crime. Therefore, section 8 would not be accorded with.

Section 9: Promoting sustainable transport - States that in assessing specific applications for development, it should be ensured that:

- i. The potential impact of development on transport networks can be addressed;
- ii. Provide opportunities for walking, cycling and public transport use.

It is considered that, given the magnitude of the development, the generation of traffic and vehicular movement would be predictable and capable of being accommodated within the local highway infrastructure. The site is highly accessible via public transport. The development would thereby be appropriately related to section 9.

Section 12: Achieving well-designed places - States that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Although limited interventions to the building are proposed, due to concerns regarding the increased risk of crime and implication for the safety of future residents, it is not considered that the design would accord with section 12.

Planning Practice Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource and is relevant to key planning issues of significance to applicants and local authorities. In considering this application the following aspects of the PPG have been appropriately responded to:

- i. Consultation and pre-decision matters;
- ii. Health and well-being;
- iii. Noise.

It is considered that the development would be appropriately related to the above objectives for the reasons set out in the report.

The Places for Everyone Plan is a Joint Development Plan Document - Provides a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan. To date, five consultations have taken place in relation on the Plan. The Examination of Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation. The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023. Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report. Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies is 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 following comments are considered to be relevant:

JPS1 - Sustainable development

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the 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 are relevant to the proposed development:

Policy SP 1 - 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;
- c. Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

The development would retain a ground floor commercial use that would continue to positively contribute to the commercial offer in the district centre. The principle of Class C3 residential uses above Class E shops is generally acceptable, this will be dependent upon safeguarding the amenity of future residents, including reducing potential exposure to crime. In this case, the increased risk of crime would override the benefits of the formation of a new flat. Policy SP1 would thereby be accorded with.

Policy C 2 District centres - States that development will support thriving district centres, with distinct local character, providing a good range of accessible key services, including retail, health facilities, public services, leisure activities and financial and legal services. It promotes the efficient use of land and housing where it supports the vitality a viability of the district centre. In this case, the existing shop unit would be retained thereby maintaining its future contribution to the district centre. Given the concerns regarding residents' safety there are concerns that the sustained future occupation if the flat may be affected by the proposed access and egress arrangements. The proposed flat would not therefore contribute positively to the mix of uses in the district centre and therefore policy C2 would not be accorded with.

Policy EN19 Waste - Requires consideration of the submitted details relating to determine if the applicant has satisfactorily demonstrated how:

- i. Both construction and demolition waste will be minimised and recycled on site wherever possible;
- ii. The sustainable waste management needs of the end user will be met.

Bin storage arrangements have been identified with scope for in curtilage storage for the proposed apartments and ground floor commercial use. On this basis, it has been demonstrated that policy EN19 could potentially be accorded with.

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. In this case, the development would not generate significant traffic and the site is in a sustainable transport location. The constraints of the site would prevent cycle storage. Policy T1 would be appropriate responded to.

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:

- o Appropriate siting, layout, scale, form, massing, materials and detail;
- o Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development with due regard to the character of the surrounding area;
- o Effects on amenity;
- o Accessibility - In relation to inclusive access and sustainable transport modes;
- o Community safety and crime prevention;

- o Design for health;
- o Refuse storage and collection.

For the reasons previously outlined, the development would not be appropriately safeguard future residents' security and well-being and security. The development would thereby be harmful to residential amenity.

Unitary Development Plan (UDP) saved policies -The following saved UDP policies are also considered to be relevant:

Policy E3.3 (Upgrade the appearance of radial and orbital routes) - This policy (E3.3) is relevant given the views of the site from Stockport Road, which is a major radial route to the City Centre. The existing elevations to Ashton Old Road would not be altered and the existing circumstances would be unaffected.

Policy DC26 (Development and noise) - It is considered that noise from the ground floor Class E use and traffic travelling along Ashton Old Road could be suitably attenuated, if a suitable scheme were to be brought forward.

Positive and proactive engagement with the applicant - An amendment to the DMO, which came into effect on 1st December 2012, requires every decision notice relating to planning permission and reserved matters application to include an explanation as to how the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems which arise during the determination of the planning application. In this case, officers advised the applicant that the development could not be supported as it would not achieve satisfactory and secure means of access and egress to the proposed upper floor flat. Given the constraints of the site and configuration of the application building, it was not considered that suitable amendments could be pursued to address these concerns. The applicant was advised that the application would be determined with reference to the submitted details.

Principle of the development – The principle of the residential uses above Class E uses in a district centre generally has the potential to be acceptable. However, it would be usually expected that residential entrances would be incorporated into the principal elevation and thereby benefitting from natural surveillance and activity within the street. In this case, the proposed access and egress arrangements to the apartment would undermine the security and amenity of future residents and increase the potential risk of crime. These circumstances may have a consequential impact of the future sustained use of the flat thereby undermining its contribution to the vitality of the district centre. Given the configuration of the application building, the configuration of the site and relationship to adjacent secluded alleyways, it is not considered that appropriate access and egress to the proposed flat could be achieved. The development is therefore considered to be unacceptable.

Crime and Security – The alleyway to the north of the site has been affected by fly-tipping and contains overgrown vegetation. The arrangement of the alleyway and its incorporation of varying widths has led to the formation of secluded spaces with limited incidental pedestrian movement. However, the arrangement of the alleyways present opportunities for loitering and anti-social behaviour. Natural surveillance would be limited to views from neighbouring first floor windows. Overlooking from neighbouring houses would be further limited by the height of boundary walls and fencing. Consideration has been given to the introduction of lighting to the alleyway but it is not considered that such measures would address the potential fear of crime when using the rear entrance to the flats or prevent the occurrence of crime. Given these potential risks the development is not supported.

Residential amenity – As discussed, the absence of an entrance within the principal elevation would increase the risk of crime and undermine the security of residents. The resulting harm to amenity would potentially undermine the sustained occupation of the flat.

Design – The configuration of the ground floor shop and its frontage width of 7.25 metres would prevent the incorporation of a separate entrance to the proposed flat within the principal elevation. It is therefore not apparent that appropriate alternative entrance arrangements (to the flat) could be provided.

Inclusive access – Given the configuration of the application property, inclusive access would not be achievable in this case.

Noise – Appropriate noise attenuation could be potentially achieved.

Waste management – The arrangements for waste and recycling management have the potential to be acceptable.

Cycle storage – Limited space within the rear yard and configuration of the internal layout would prevent the provision of secured cycle storage.

Conclusion – The development is not considered to be acceptable for the reasons set out above.

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: Refuse

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this case, officers advised the applicant that the development could not be supported as it would not achieve satisfactory and secure means of access and egress to the proposed upper floor flat. Given the constraints of the site and configuration of the application building, it was not considered that suitable amendments could be pursued to address these concerns. The applicant was advised that the application would be determined with reference to the submitted details.

Reasons for recommendation to refuse

1) The formation of an entrance to the proposed apartment via a secluded rear alleyway and yard area would fail to secure appropriate and satisfactory natural surveillance and would thereby fail to safeguard future residents from the risk of crime and the fear of crime. The development would thereby be harmful to the security, well-being and amenity of future residents and thereby be contrary to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

1325 Ashton Old Road, Manchester, M11 1JT
18 Toxteth Street, Manchester, M11 1EQ
20 Toxteth Street, Manchester, M11 1EQ
24 Toxteth Street, Manchester, M11 1EQ
1339A Ashton Old Road, Manchester, M11 1JT
1323B Ashton Old Road, Manchester, M11 1JT
1323A Ashton Old Road, Manchester, M11 1JT
Flat Above, 1342 Ashton Old Road, Manchester, M11 1JG
1336 - 1338 Ashton Old Road, Manchester, M11 1JG
Top Flat, 1331 Ashton Old Road, Manchester, M11 1JT
1337 Ashton Old Road, Manchester, M11 1JT
1340 Ashton Old Road, Manchester, M11 1JG
1329 Ashton Old Road, Manchester, M11 1JT
1342 Ashton Old Road, Manchester, M11 1JG
New Roundhouse, 1328 - 1330 Ashton Old Road, Manchester, M11 1JG
1327 Ashton Old Road, Manchester, M11 1JT
1323 Ashton Old Road, Manchester, M11 1JT
1334 Ashton Old Road, Manchester, M11 1JG
1339 Ashton Old Road, Manchester, M11 1JT
1331 Ashton Old Road, Manchester, M11 1JT
Openshaw Dental Practice, 1333 Ashton Old Road, Manchester, M11 1JT
22 Toxteth Street, Manchester, M11 1EQ
16 Toxteth Street, Manchester, M11 1EQ
1335 Ashton Old Road, Manchester, M11 1JT

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

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: NORTH AREA