

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138845/JO/2023

Date registered valid: 15 January 2024

Proposal: Application to remove condition no. 4 (5 x integral garages) and vary condition no. 7 (approved drawings) attached to planning permission 091935/FO/2009/S1 to allow for the creation of additional living accommodation and associated elevational alterations.

Address: Land Bounded By Meldon Road/ Copthorne Crescent And Beresford Road

Ward(s): Rusholme Ward

Applicant: Mr Mahmood Ahmed

Agent (if any): Mr Mahmood Esmail, Esmail Architects

Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 8 April 2024



Application details

Type of application: Variation or Removal of Condition

Development type: Major Dwellings

Date of site visit: 7 February 2024

Standard consultations:

Printed: 18 January 2024 Expired: 8 February 2024

Neighbour notifications

Printed: 18 January 2024 Expired: 8 February 2024

Site notice

Posted: 7 February 2024 Expired: 28 February 2024

Press advert

Published: 23 January 2024 Expired: 6 February 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

This application relates to a rectangular site of 0.1 hectares bounded by Beresford Road, Meldon Road South, Copthorne Crescent and Meldon Road North. The site was formerly vacant, save for a substation, but has now been built on as a result of the following planning permission, although the development has not been fully completed:

091935/FO/2009/S1 - Erection of 6 part 2 storey town houses and a 3 storey block of 6 flats with associated car parking and landscaping

There are residential properties to the north, south and west of the site. Facing the site to the east are commercial properties forming part of a local centre on Beresford Road. Both Meldon Road North and Meldon Road south are one way in opposite directions.

Listed building: No

Conservation area: No

Tree Preservation Order: No

Description of development

The applicant is proposing to remove condition no. 4 (5 x integral garages) and vary condition no. 7 (approved drawings) attached to planning permission 091935/FO/2009/S1 to allow for the creation of additional living accommodation and associated elevational alterations. Condition no. 4 read as follows:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no garage shall be used for any purpose which would preclude its

use for the parking of a motor vehicle and no development shall be undertaken that would preclude vehicular access to the garage.

Reason - The loss of garage parking space could result in an unacceptable increase in on-street parking and would thereby be detrimental to highway and pedestrian safety.

Consultations & Notification Responses

Local Residents – Three letters of objection have been received, the comments are summarised as follows:

- The area already suffers with congestion and a lack of parking. Reducing the number of off-street car parking spaces will have an unacceptable impact upon the local community, as a result of an increase in on-street parking and the resultant congestion. Given the proximity of three mosques this congestion would be felt even more during events at the mosques, such as Ramadan.

Anson Residents Association – No comments received.

Highway Services – Have made the following comments:

- It is acceptable to Highways that the bins are stored within the site with adequate room to manoeuvre.
- It is noted that there would be no stacked parking on site.
- Clarification is sought regarding the driveway spaces, a minimum 6m x 3m for each driveway space and a minimum of 4.8m x 2.4m for each parking bay is required. This is to ensure vehicles do not block the highway and residents can get bins past parked vehicles.
- Information should be provided to confirm that the necessary vehicle manoeuvres can be undertaken at all parking spaces.

Policies

The National Planning Policy Framework (December 2023) – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

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

c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

Places for Everyone joint development plan document for Bolton, Bury, Manchester, Salford, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan – The Places for Everyone Plan (PfE) was adopted on 21 March 2024, as such the Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

Core Strategy Development Plan Document – The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below:

Policy SP1, *Spatial Principles* – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

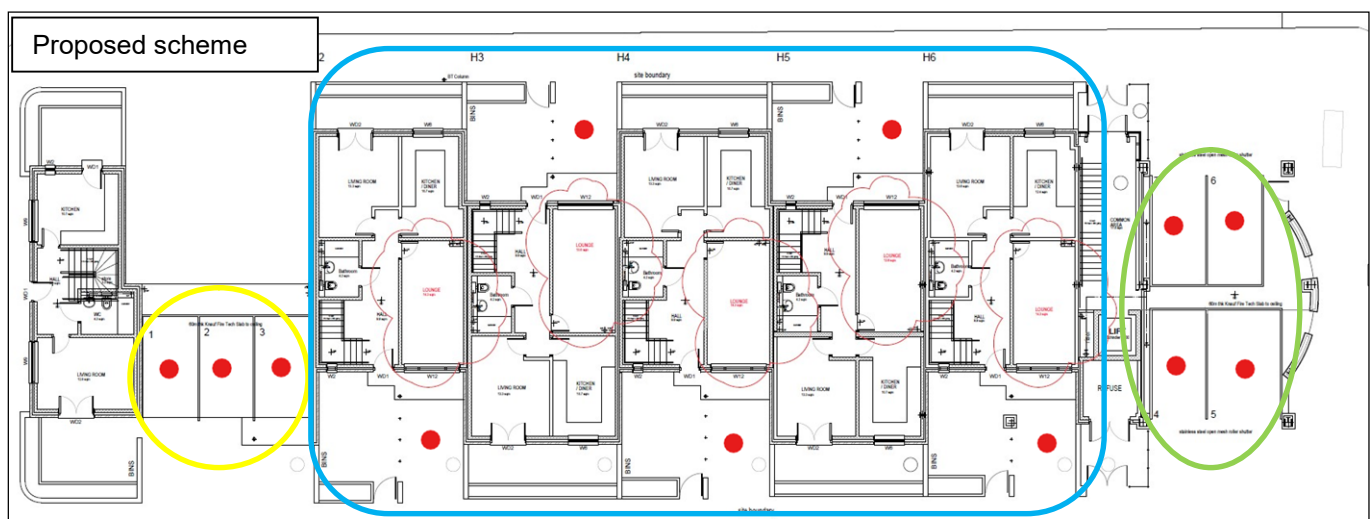
Policy DM1, *Development Management* – This policy states that all development should have regard to a number of issues, in this instance the most relevant are considered as follows:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Flood risk and drainage.

Issues

Principle of the Proposal – There is no objection to the proposal, on the proviso the amendments to the scheme do not have a detrimental impact upon residential and visual amenity, as well as existing levels of pedestrian and highway safety. This will be assessed below.

Car Parking – When originally approved, the parking facilities consisted of the following, 17 spaces between 12 units. However, it should be noted three of those spaces (circled in yellow) were dedicated to one unit, while the six apartments only ever had use of four of the spaces (circled in green). Therefore, the changes to the proposed parking provision only relate to the five houses in the centre of the development (circled in blue).



Despite the loss of the integral garages, each of the five affected dwellings would still benefit from one parking space, i.e. have a parking provision of 100%. Given this provision and the fact the driveways are approximately 5 metres in length, it is still considered that the overall parking provision is acceptable for a development of this nature and that the reduction in off-street parking would not lead to an unduly large increase in the instances of on-street parking.

Design – The proposed elevational amendments to the scheme are shown below. In addition to the removal of the unsightly garage doors, the applicant is also proposing to undertake a number of amendments, such as replacing windows with French doors and introducing a number of different windows to three of the elevations. The changes can be seen below.





It is not considered that these elevational alterations would impinge upon the overall appearance of this development, accordingly, the contemporary design of the proposal is still considered acceptable.

Residential Amenity – Given the level of car parking facilities that would remain it is not considered that the proposal would result in an undue increase in on-street parking, as such it is not considered that converting the garages into additional living accommodation would have a detrimental impact upon existing levels of residential amenity.

In terms of overlooking, the amendments to the design of the proposal would not lead to a rise in overlooking and an associated loss of privacy.

Visual Amenity – It is not considered that the proposed amendments to the design of the proposed residential accommodation would have a detrimental impact upon the existing levels of visual amenity enjoyed within the vicinity of the site.

Pedestrian and Highway Safety – As sufficient car parking spaces would remain and the level of on-street parking is not expected to rise significantly, it is not considered that removing the integral garages would have a detrimental impact upon the existing levels of pedestrian and highway safety enjoyed on the adjoining highway network.

S106 Agreement – A Section 106 agreement was signed in connection with the original scheme and the required funds have already been deposited with the City Council.

Other Legislative Requirements

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

Human Rights Act 1998 considerations – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner to resolve any matters arising in relation to dealing with the planning application.

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

1) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before . Development shall be carried out in accordance with the approved details and shall thereafter be retained.

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 Policy DM1 of the Manchester Core Strategy.

2) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied. The car park shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with Policy DM1 of the Manchester Core Strategy.

3) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the City Council as local planning authority.

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

4) No development shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how Secured by Design accreditation will be achieved have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a Secured by Design accreditation.

Reason - To reduce the risk of crime pursuant to Policy DM1 of the Manchester Core Strategy and to reflect the guidance contained in Planning Policy Statement "Delivering Sustainable Development".

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

- a) Drawing no. 0905 01A and 02D, received on 15 December 2023
- b) Drawing no. 0905 03A, received on 21 July 2010
- c) Drawing no. 0905 04F, received on 3 April 2024

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

6) The wheels of contractors vehicles leaving the site shall be cleaned and the access roads leading to the site swept daily in accordance with a management scheme submitted to and approved in writing by the City Council as local planning authority prior to any works commencing on site.

Reason - In the interest of pedestrian and highway safety, as specified Policy DM1 of the Manchester Core Strategy.

7) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures

(the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to Policy DM1 of the Manchester Core Strategy.

8) No development shall take place until details of the improvements to the footpaths have been approved in writing by the City Council as local planning authority. The development shall not be occupied until the works have been constructed in accordance with the approved details.

Reason - To ensure the satisfactory development of the site pursuant to Policy DM1 of the Manchester Core Strategy.

9) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least three star sustainability rating under the code for sustainable homes for those elements of the development which are residential in nature. A post construction review certificate shall be submitted to and approved in writing by the City Council as local planning authority before any of the buildings hereby approved are first occupied.

Reason - In order to minimise the environmental impact of the development pursuant to Policy DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services

Anson Residents Association

99A Beresford Road, Manchester, M13 0TA

103 Beresford Road, Manchester, M13 0TA

64 Copthorne Crescent, Manchester, M13 0QZ

95 Beresford Road, Manchester, M13 0TA

93 Beresford Road, Manchester, M13 0TA

Flat 1, 41 Montgomery Road, Manchester, M13 0PW

Flat 2, 41 Montgomery Road, Manchester, M13 0PW

61 Meldon Road, Manchester, M13 0GR
64 Meldon Road, Manchester, M13 0TR
97 Beresford Road, Manchester, M13 0TA
105 Beresford Road, Manchester, M13 0TA
58 Meldon Road, Manchester, M13 0TR
103 - 107 Beresford Road, Manchester, M13 0TA
41 Montgomery Road, Manchester, M13 0PW
107A Beresford Road, Manchester, M13 0TA
Al-Quaba Mosque And Shahporan Centre, 109 - 115 Beresford Road, Manchester, M13 0TA
Flat, 99 Beresford Road, Manchester, M13 0TA
43 Montgomery Road, Manchester, M13 0PW
67 Meldon Road, Manchester, M13 0GR
65 Meldon Road, Manchester, M13 0GR
63 Meldon Road, Manchester, M13 0GR
68 Meldon Road, Manchester, M13 0TR
66 Meldon Road, Manchester, M13 0TR
62 Meldon Road, Manchester, M13 0TR
60 Meldon Road, Manchester, M13 0TR
99 Beresford Road, Manchester, M13 0TA
93 - 95 Beresford Road, Manchester, M13 0TA
59 Meldon Road, Manchester, M13 0TS
57 Meldon Road, Manchester, M13 0TS
101 Beresford Road, Manchester, M13 0TA

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 - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: SOUTH AREA