

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139198/FO/2024
Date registered valid: 6 February 2024
Proposal: Erection of first floor rear extension over shop to create 2 no. self contained flats (1x 1bed and 1x 2 bed).
Address: 64 And 66 Mauldeth Road West, Manchester, M20 3FQ
Ward(s): Old Moat Ward

Applicant: Mr Ishtieg Ahmed Mamoon Haider Ltd
Agent (if any): Mr Jan Bargiel J Bargiel Architectural Consultants
Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 2 April 2024

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: March 2024

Standard consultations:

Printed: 14 February 2024 Expired: 6 March 2024

Neighbour notifications

Printed: 14 February 2024 Expired: 6 March 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 property that is the subject of this application is made up of 2 end of terrace properties identified as 64 and 66 Mauldeth Road West in the Old Moat ward of the city. They are 2 storey in nature, and have a forecourt to the frontage and a footpath that leads all the way through connecting up with Yew Tree Road. The rear yards have single storey storage buildings that connect at ground floor to the main properties which is currently in use as a general store.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area facing onto Mauldeth Road West at this point is commercial, with the next properties to the host property being residential semi-detached properties. To the rear are residential properties. Opposite the site is Old Moat Park.

Description of development

The proposal is for the conversion of the stores to the ground floor rear together with extensions above to create 1 x 1 bed flat and 1 x 2 bed flat.

Consultations & Notification Responses

Local Residents/ businesses- were consulted- no representations have been received.

Environmental Health- Conditions relating to waste management and residential noise insulation should be attached to any consent granted.

Highways- Any vehicle parking would be reliant upon on street provision as there is no dedicated parking. Secure Cycle parking should be required by way of a condition.

Greater Manchester Police- No objections subject to the scheme achieving Secure By Design

Issues

National Planning Policy Framework - Sets out the Government's Planning Policies for England and how these are expected to be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that the planning system should perform:

An economic role - contributing to build a strong, responsive and competitive economy, by ensuring that sufficient land, of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and co-ordinating development requirements, including the provision of infrastructure;

A social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and supports its health, social and cultural well-being; and

An environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

Pursuing sustainable developments involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages;
- moving from a net loss of bio-diversity to achieving net gains for nature;
- replacing poor design with better design;
- improving the conditions in which people live, work, travel and take leisure, and
- widening the choice of high quality homes.

There should be a presumption in favour of sustainable development and plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.

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.

Policy SP1 identifies the City Council's Core Development Principles and states that 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
- Making a positive contribution to the health, safety and wellbeing of residents
- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- Protect and enhance the built and natural environment

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

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.

Policy H1 relates to Housing and states that the re-use of vacant housing, including the renewal of areas characterised by poor quality housing, will be prioritised. New developments should take advantage of existing buildings where appropriate through refurbishment or rebuilding works.

Policy H6 relates to sites in South Manchester and states the area will accommodate around 5% of new residential development over the lifetime of the Core Strategy. High density development in South Manchester will generally only be appropriate within the district centres of Chorlton, Didsbury, Fallowfield, Levenshulme, and Withington, as part of mixed-use schemes. Outside the district centres priorities will be for housing which meets identified shortfalls, including family housing and provision that meets the needs of elderly people, with schemes adding to the stock of affordable housing.

Policy T2 - States that outside the City Centre all new development should provide appropriate car parking facilities, taking account of the guidance in Appendix B (of the Core Strategy). In all parts of the City proposals should have regard to the need for disabled and cycle parking, in line with appendix B (this indicates maximum car parking standards for various uses, but no stipulation is made for places of worship)

Notwithstanding the above, Policy T2 requires that consideration is given to the particular circumstances of each proposal to determine the appropriate levels of car parking that may be required. Policy T2 requires the provision of proportionate Traffic Impact Assessments and Travel Plans for all major applications and for any proposals where there are likely to be access or transport issues.

Policy EN1 relates to design principles and strategic character areas and states that all development in Manchester will be expected to follow the seven principles of urban design listed below:

- Character: a place with its own identity
- Continuity and enclosure: a place where public and private places are clearly distinguished
- Quality of the public realm: a place with attractive, and successful outdoor areas
- Ease of movement: a place that is easy to get to and move through
- Legibility: a place that has a clear image and is easy to understand
- Adaptability: a place that can change easily
- Diversity: a place with variety and choice

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

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

Policy DM 1 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:-

- 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 and 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.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

Guide to Development in Manchester Supplementary Planning Guidance - Recognises the importance of an area 's character in setting the context for new development; New development should add to and enhance the area's distinct sense of place; Each new development should be designed having full regard to its context and the character of the area; Seeks to ensure high quality development through good and inclusive design; Buildings should front onto streets; Site boundaries and treatment should contribute to the street scene; There should be a clear definition between public and private space; The impact of car parking areas should be minimised; New developments will be expected to meet designing out crime principles; The impact of development on the global environment should be reduced.

Paragraph 10.9 relates to external space and states that all residents should enjoy useable private amenity space wherever they choose to live in the City. All new developments should be designed to provide on-site amenity space which is fit for purpose and which is informed by, and relates to, the character of the area. Simply this means the provision of gardens that perform well as multi-functional space. Gardens are valuable within any development by contributing the following:

- A safe play area for children
- Additional storage outside the house
- The provision of outside drying area for clothes which additionally assists the environmental sustainability of a development
- Space in which to relax which helps the overall sense of well-being
- An increased amount of planting which enhances the quality of the natural environment
- The space to provide home grown food which benefits the health of the local community.

Manchester Residential Quality Guidance 2016 - Sets out the direction for the delivery of sustainable neighbourhoods of choice where people will want to live and also raise the quality of life across Manchester and was approved by the Executive at its meeting on 14 December 2016. The ambitions of the City are articulated in many places, but none more succinctly than in the 'Manchester Strategy' (2016). The guidance has been produced with the ambition, spirit and delivery of the Manchester Strategy at its heart. The delivery of high-quality, flexible housing will be fundamental to ensuring the sustainable growth of Manchester. To achieve the City's target of carbon neutrality by 2050, residential schemes will also need to be forward thinking in terms

of incorporating the most appropriate and up to date technologies to significantly reduce emissions. It is therefore essential for applicants to consider and integrate the design principles contained within the draft guidance into all aspects of emerging residential schemes. In this respect, the guidance is relevant to all stages of the development process, including funding negotiations, the planning process, construction and through to operational management.

The guidance sets standards for securing high quality and sustainable residential development in 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 houses.

The indicated sizes for apartments includes:

39 square metres for one bedroom 1 person flat (50 sqm for 2 person flat) (58 sqm for two storey 1bed 2 person accommodation)

61 square metres for two bedroom 3 person flat

70 square metres for two bedroom 4 person flat

103-112 square metres for a 5 bedroom 6 or 7 person apartment respectively

Unitary Development Plan -

Saved policy DC5 relates to flat conversions

DC5.1 states that, 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 states that 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 States that, 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.

With regards to development and noise Development Control policy DC26 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. In giving effect to this intention, the council will

consider both the effect of the new development proposals, which are likely to be generators of noise.

Principle of use - The existing building fronting Mauldeth Road West is two storey, however as no existing plans have been submitted with the application it is not certain as to what the use of the upper floor above the ground floor retail unit is currently. The principle of the conversion of the first floor would be acceptable in principle, however the application is for the conversion of the single storey storage units that occupy the rear yard together with first floor extensions to create 2 flats. The 2 storey rear wall would occupy the yard and forms the rear boundary to the footpath that runs through to Yew Tree Road. The matters to be assessed are therefore the impacts of the change of use of the ground floor storage units and the increase in footprint through the first floor extensions, and any detrimental impacts that these changes would have on the residential and visual amenity of neighbouring properties, future occupants of the accommodation and the character of the property and the area within which it is located.

Residential amenity- The proposed first floor extensions, particularly where against the common boundary with number 68 Mauldeth Road West would result in an overbearing feature along that common boundary, presenting as a long continuous run of built form. There are no windows proposed along that elevation due to loss of privacy into and out of the proposed accommodation. Given the introduction of residential accommodation into an area where there is currently non would have a detrimental impact upon the neighbouring properties due to the additional comings and goings associated with the property.

Standard of accommodation - It is considered that the 2 x bed flat only just meets the guidelines, with the 1 x bed flat falling well below the guidelines. Given the lack of amenity space, off road car parking and constrained size of living space provided in the flats the proposal is considered to be an overdevelopment of the site.

Car parking - No car parking spaces are proposed for the proposed flats, and the servicing for a double retail unit must be done from the frontage forecourt. In addition, there is no dedicated safe and secure cycle parking brought forward with the scheme. As no existing or proposed parking details have been submitted it is assumed that any increased parking demand would need to be accommodated on the highway. Whilst there is a forecourt to the property and evidence of parking on this area was evident at the time of the site visit it is considered that the fact that no dedicated parking is provided would lead to vehicles parking in close proximity to the site on the forecourt to the visual detriment of the street scene.

Amenity Space - There is a small amount of yard area retained post development, however with the lack of cycle storage and waste management provision for the two residential units, plus the possible existing flat to the first floor and the ground floor commercial this current space is likely to be absorbed by the requirement of those facilities. It is considered that the lack of any outdoor amenity space would be contrary to the living conditions of the occupiers of the flats contrary to advice contained in the Guide to Development in Manchester Supplementary Planning Guidance and the approved residential quality guidance.

Waste - The only waste shown as part of the scheme is the waste area for the commercial unit, with 4 bins identified for one of the residential units. With potentially three flats sharing the area and the requirement for 4 waste bins each it is considered that the space required would be at the expense of the amenity space. It is therefore considered that the proposal as a cumulative impact would be overdevelopment of the site.

Visual Amenity - The proposed development would be an alien feature when viewed against the pattern of development to the rear of the properties. The extensions within the neighbouring commercial premises rear yards are single storey, these two storey buildings would have a

detrimental impact upon the visual amenity of the neighbouring properties, and upon the character and pattern of development within the vicinity of the site. The properties are of brick construction, and the proposed materials of a render finish would make them highly visible when viewed against the brick backdrop of the host property. In addition it introduces built form and closes the spatial gap between the residential properties on Brentbridge Road and the proposal site.

Conclusion - Due to the reasons outlined above it is considered that the proposed development represents an over-intensive use of the site and that this would have an adverse impact upon the area in which the site is located due to significant increases in activity at the site, a likely increase in on-street parking, and the provision of waste receptacles at the front of the property.

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 agent and have expressed their concerns over the scheme during the life of the application, however the concerns have not been addressed and as such the application has been refused in accordance with both national and local policies.

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

1) The proposed extension would constitute overdevelopment of the site and by reason of its scale, massing, height and siting would result in a visually intrusive feature that would be

detrimental to the character of the area and residential and visual amenity, contrary to Policies DM1 and SP1 of the Core Strategy.

2) The development fails to make adequate provision of the parking of cars for the proposed additional living accommodation resulting in increased demand for the on street parking of cars to the detriment of the amenity of the area. The proposed development therefore conflicts with provisions of Core Strategy Policy DM1 and saved Unitary Development Plan policy DC5.

3) The proposed extension to the building to create two self contained flats fails to provide accommodation of a sufficient quality for future occupiers, particularly in respect of the lack of provision of private external amenity space, car parking, cycle and refuse storage and the size of the accommodation proposed, which would cause unnecessary harm to the residential amenity of the proposed occupants of the building and would be detrimental to the character of the local area and would fail to maintain a sustainable community. For these reasons, the development is unacceptable and contrary to saved policy DC5 of the Unitary Development Plan for the City of Manchester and policies SP1, H1, H6, T2 and DM1 of the Manchester Core Strategy, the Guide to Development in Manchester Supplementary Planning Guide and Planning Document and the Manchester Residential Quality Guidance.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

68A Mauldeth Road West, Manchester, M20 3FQ
62 Mauldeth Road West, Manchester, M20 3FQ
66 Mauldeth Road West, Manchester, M20 3FQ
64A Mauldeth Road West, Manchester, M20 3FQ
53 Brentbridge Road, Manchester, M14 6AT
59 Brentbridge Road, Manchester, M14 6AT
57 Brentbridge Road, Manchester, M14 6AT
55 Brentbridge Road, Manchester, M14 6AT
70 Mauldeth Road West, Manchester, M20 3FQ
68 Mauldeth Road West, Manchester, M20 3FQ
60 Mauldeth Road West, Manchester, M20 3FQ
66A Mauldeth Road West, Manchester, M20 3FQ

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
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA