MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139297/FO/2024
Date registered valid:	5 March 2024
Proposal:	Erection of single storey rear extension following demolition of existing outbuilding, installation of dormers to rear elevation including conversion of upper floors into self-contained flat
Address:	130 Withington Road, Manchester, M16 8FB
Ward(s):	Whalley Range Ward
Applicant:	Mr. Shahzad Anwar
Agent (if any):	Mr. Niamat Ali, NA Design
Case officer:	Janet Lawless Tel: 0161 234 4535 Email: janet.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	30 April 2024

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: March 2024

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

Neighbour notifications
Printed: 12 March 2024 Expired: 4 April 2024

Site notice
Posted: 14 March 2024 Expired: 6 April 2024

Press advert
Published: 19 March 2024 Expired: 2 April 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building
The property that is the subject of this application is a two storey terraced property within a commercial parade. The property is identified as 130 Withington Road. The ground floor is currently vacant, however the authorised use is that of a hot food takeaway. This will remain the use going forward. The upper floor is currently a small flat that was used in association with the ground floor takeaway. There is a yard area to the rear which is accessed from down the side of the property through double gates. There is a wide forecourt that runs along the property frontage, and the remainder of the terrace, and is used by the businesses for ad hoc parking. The property is identified as 130 Withington Road, and is located within the Whalley Road Conservation Area in the Whalley Range Ward.

Listed building: Not applicable

Conservation area: Whalley Range Conservation Area 1992

Tree Preservation Order: Not applicable

Description of area
This stretch of Withington Road is predominantly commercial along the frontage, being the start of the district centre, with residential on the surrounding side streets. To the east of the site lies the Minhaj-ul-quran building. Opposite the site on Withington Road is the large Co-operative building. It is located on a good public transport network and areas of the City can easily be reached from the property by alternative modes of transport to the car.

Description of development
The current property has an existing single storey outrigger together with a single storey extension on the rear of the property. The single storey extension is to be demolished and in its place a new single storey extension constructed that would link into the outrigger. There are two individual dormers proposed in the existing rear elevation to create head height to provide for a further two bedrooms in the loft space.

Consultations & Notification Responses
Local Residents and businesses were informed-no representations have been received.

Whalley Range Conservation Area Group- no representations have been received.

Whalley Range Forum- no representations have been received.

Environmental Health- no objections to the proposal subject to the attachment of appropriate conditions relating to residential acoustic treatment and overheating control, externally mounted ancillary plant, equipment and its servicing and waste management to any consent granted.

Highways- Parking and access
Upon review there is an existing vehicle parking on the existing forecourt adjacent to the site. If the parking was to be formalised, an application would be required for the installation of a dropped kerb and the parking spaces would have to comply with City Council standards

Cycle Parking
In line with MCC recommendations, secure and sheltered cycle parking provision should be made, within the curtilage of the site, at the provision of one-per-unit. A covered cycle store is proposed and located within the site as per the proposed plan. Confirmation of the numbers of spaces is required.

Refuse and servicing
Refuse bins are to be located within the property site boundary adjacent to the proposed cycle store. As per the proposed plan, there are existing bins located within the rear yard of the property. Clarification is required that refuse servicing will take place along Withington Road as existing.

Policies

The following policies are considered relevant in the consideration of this application.
Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan, but certain policies are still considered of relevance:
- Policy DC18 - Conservation Areas
- Policy DC22 - Footpath Protection
The Manchester Core Strategy - Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on the 11th of July 2012:
- Policy DM1 - Development Management
- Policy SP1 - Spatial Principles
- Policy EN3 - Heritage
- Policy EN19 - Waste
- Policy C8 - Local Centres
The National Planning Policy Framework (NPPF, 2021)
- Chapter 6 - Building a Strong, Competitive Economy
- Chapter 12 - Achieving Well-Designed Places
- Chapter 16 - Conserving and enhancing the historic environment

Places for Everyone
The Inspectors' Report on the examination of the Places for Everyone plan was published on 15 February 2024. The Inspectors' Report sets out and justifies their recommendations in relation to the plan, and they have concluded that all legal requirements have been met and that with

the recommended main modifications set out in the appendix to their report, the Places for Everyone plan is 'sound'.

Given the stage the Plan has reached, 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.

Principle of development-
The principle of extending existing living accommodation above a ground floor commercial use is considered acceptable. However consideration must be given to the proposals impacts upon residential and visual amenity and the character of the property itself together with that of the area within which it is located.

Residential Amenity
The majority of the accommodation to the first floor above the commercial premises within the terrace are in use as residential accommodation. Some of it is ancillary to the ground floor use, and some are self-contained flats. The proposed first floor will provide accommodation in the form of lounge, kitchen, shower room, WC and a bedroom with the introduction of the 2 individual dormers within the existing roof slope creating headspace to enable a further 2 bedrooms to be created which provides for a good sized family flat at 90 sq metres. There are no issues with regards to overlooking, as there are no additional windows beyond the 2 dormers being introduced into the side elevations and these look over the applicants own garden area, whilst to the rear of the proposal site are long gardens that belong to the properties on Victoria Road.

A condition would be attached to any consent granted with regards to acoustic insulation of the residential accommodation from both Withington Road and noise transfer between properties.

Whilst there is no private amenity space brought forward with the development, it is only a short walk to the leisure facility of Alexandra Park.

Visual Amenity.
From the public view of the property within the Withington Road Street scene, the changes to the property would not be readily visible, with the single storey extension and the dormer roof extensions only seen from the rear. The dormer had previously been proposed as one wide flat roof dormer, however it was considered that this was not a sympathetic addition to a property within the Conservation Area. The previous application was withdrawn, and the scheme revised to show two small individual dormers which are now part of the subject of the current scheme under consideration. It is considered that the proposal is now sympathetic to its environment whilst at the same time improving the residential accommodation. There are other single storey additions to properties within the same terrace that have previously been approved, and therefore it is not viewed as an alien feature in the context of the neighbouring properties.

Character of the property itself and impact on the Conservation Area.
There is nothing particularly remarkable about the actual terrace within which the property is located, it is however an established commercial frontage with residential above. Whilst providing additional living accommodation it still retains the commercial character of the property. Given that from the frontage there are no alterations to the property, and the extension and dormers could only be seen from the rear, it is not considered that the proposal would have a detrimental impact upon the Whalley Range Conservation Area within which it is located. The development would cause less than substantial harm.

Parking

There is informal parking for two spaces to the property frontage, however this is an historical situation, and is not being altered as a part of the proposal, it is therefore not being considered as part of the submitted application. The property is located on a sustainable public transport network and is easily accessible. There is also a secure parking storage proposed for two bicycles and this is one space per unit which is in accordance with City Council policy and is considered acceptable

Waste Management
The submitted waste management is not considered acceptable in order to support both the commercial and the residential use within the property, based upon the comments received from Environmental Health a condition relating to waste management would be attached to any consent granted. The applicant has confirmed that the property will be serviced and the refuse will be collected from Withington road frontage as is the existing situation with the other commercial / residential properties.

Materials
The materials to be used would match those of the existing property with hung tiles being proposed for the dormer cheeks. The materials are considered acceptable, and an appropriate condition would be attached to any consent granted.

Design
The design of the extension is simplistic, and mirrors the extensions that are already in existence within the terrace / centre. The dormers are modest additions to the property and their design is considered appropriate for a development of this nature within a Conservation Area.

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: Approve

Article 35 Declaration

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance no negotiations were required, and the application has been determined in accordance with both national and local policies and in a timely manner.

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

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

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

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:
NA.P02 Proposed floor plans elevations and location plan received by email from agent 24.04.2024
NA. P02 Proposed elevation received 19.02.2024

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) The materials to be used in the construction of the external surfaces of the extensions hereby approved shall match the existing property, in terms of colour, type, and method of coursing, pointing. and patching in. and as stated drawing ref NA P02 received 24th April 2024 and NA P03 Proposed floor plans and elevations received 19th February 2024.

Reason - In the interests of the character and appearance of the property and surrounding area, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

4) No development shall commence until a scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of visual and residential amenity, pursuant to Policy DM1 in the Manchester Core Strategy.

5) Before first occupation of the development the building, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

6) a) Prior to above ground works commencing, a scheme for acoustically insulating the proposed residential accommodation against noise Withington Road shall be submitted to and approved in writing by the City Council as local planning authority. There may be other actual or potential sources of noise which require consideration on or near the site,

including any local commercial/industrial premises such as the ground floor commercial premises.

The potential for overheating shall also be assessed and the noise insulation scheme shall take this into account. The approved noise insulation and ventilation scheme shall be completed before any of the dwelling units are occupied.

Noise survey data shall include measurements taken during a rush-hour period and night- time to determine the appropriate sound insulation measures necessary. The following noise criteria shall be required to be achieved when providing adequate ventilation as defined by Approved Document F of the Building Regulations (whole dwelling ventilation):

Bedrooms (night time - 23.00 - 07.00) 30 dB LAeq (individual noise events shall not exceed 45 dB LAmax,F by more than 15 times)

Living Rooms (daytime - 07.00 - 23.00) 35 dB LAeq

Gardens and terraces (daytime) 55 dB LAeq

Higher internal noise levels than those specified above may be allowed when higher rates of ventilation are required in relation to the overheating condition.

b) Prior to first occupation of the residential units, a verification report shall be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that the internal noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the internal noise criteria.

Reason - To protect the amenity of the occupants of the premises once the development hereby approved is occupied, and to reduce the potential for overheating, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or doors shall be inserted into the elevations of the extensions hereby approved other than those shown on the approved plans.

Reason - In the interests of residential amenity pursuant to saved policies DC1 of the Unitary Development Plan for the City of Manchester and Policy DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy policy SP1 and DM1 Core Strategy for the City of Manchester.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument

revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a). For the avoidance of doubt, this does not preclude two unrelated people sharing a property.

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

6) Prior to above ground works commencing, details of the measures to be incorporated into the development to demonstrate how secure by design accreditation will be achieved shall be submitted to and approved in writing by the City Council as local planning authority. This should include details relating to the access route into the first- floor accommodation, and measures to safeguard the residents of the residential accommodation. 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 policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

Informatives

1) We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low pressure assets. We have no objection to this proposal from a planning perspective, however we need you to take the following action.

What you need to do

To prevent damage to our assets or interference with our rights, please add the following Informative Note into the Decision Notice:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at plantprotection@cadentgas.com or on 0800 688 588 quoting your reference at the top of this letter.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Whalley Range Conservation Area Group
Whalley Range Forum

141 Withington Road, Manchester, M16 8ED
First Floor, The Madina Hall, 122 Withington Road, Manchester, M16 8FB
Top Flat, 128 Withington Road, Manchester, M16 8FB
134A Withington Road, Manchester, M16 8FB
The Madina Hall, 122 Withington Road, Manchester, M16 8FB
46 Victoria Road, Whalley Range, Manchester, M16 8DP
Whalley Range Dental Practice, 132 Withington Road, Manchester, M16 8FB
132A Withington Road, Manchester, M16 8FB
Netto, 135 - 141 Withington Road, Manchester, M16 8EE
Second Floor, The Madina Hall, 122 Withington Road, Manchester, M16 8FB
48 Victoria Road, Whalley Range, Manchester, M16 8DP
44 Victoria Road, Whalley Range, Manchester, M16 8DP
128 Withington Road, Manchester, M16 8FB
126 Withington Road, Manchester, M16 8FB
134 Withington Road, Manchester, M16 8FB

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
Conservation Area - Whalley Range Conservation Area 1992
Area Team Boundary - Name: SOUTH AREA