

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138172/FO/2023
Date registered valid: 22 September 2023
Proposal: Change of use from dwelling house to 5 self-contained flats
Address: 209 Droylsden Road, Manchester, M40 1NY
Ward(s): Miles Platting & Newton Heath Ward

Applicant: Mr Riaz Ahmed
Agent (if any): Mr Rashid Mehmood I. Planning Services
Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 15 November 2023

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 16 October 2023

Standard consultations:

Printed: 13 October 2023 Expired: 3 November 2023

Neighbour notifications

Printed: 13 October 2023 Expired: 3 November 2023

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



Photograph 1 Application site is the middle property with the red door.

The application site relates to a substantial, part three, part two storey, mid terraced dwellinghouse located on Droylsden Road near the corner with Rossington Street.

The traditional red brick property forms one of a terraced of five properties and incorporates an enclosed yard to the rear and small brick wall enclosed front yard.

There is no on-site car parking associated with the development.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

With the exception of a few local corner shops the area is predominantly residential in character, mainly comprising two and three storey, terraced dwellinghouses.

Description of development

The applicant is seeking planning permission to change of use from dwelling house to 5 self-contained flats

Consultations & Notification Responses

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

Local residents/public opinion – No objections, comments or representations in support of the application have been received.

Highway Services – No objection, however raised that the lack of car parking will contribute to on street car parking, sufficient cycle parking will be provided (6 in total for 5 flats), refuse collection arrangements are acceptable.

Lastly advised that any requirements for licensing, hoarding/scaffolding and temporary traffic management measures will need to be discussed with the relevant Highways team.

Environmental Health – No objection. Advised that the waste management arrangements were unacceptable and recommend that this be a condition should the application be approved together with a requirement that the property and any externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location including verification report.

Request a condition regarding contaminated land.

Planning History

There has only been one previous application at this address for the “Installation of step lift and associated works”, application reference 118983/FH/2018 which was approved on the 20th March 2018.

Issues

Policy

The following policy and guidance are considered relevant to the consideration of this application.

Unitary Development Plan for the City of Manchester (UDP)

The relevant saved policy is DC5

Core Strategy

The relevant Core Strategy Policies are SP1, H4 and DM1

National Planning Policy Framework

The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.

Section 4 provides guidance on the decision making process and mirrors legislation in stating that planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Section 5 refers to the need to deliver a sufficient supply of homes and states that strategic policies should be informed by a local need assessment and the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.

Of particular relevance, Paragraph 130 states:

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Principle - Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

In the case of this application, the principle of the proposed change of use is not considered acceptable and conflicts with the development plan policies and associated guidance.

It is considered that the proposed change of use to 5no x 1 bed self-contained flats would result in the loss of family sized accommodation, in an area where it is desirable to retain such properties, so to contribute to the Council's housing supply.

It is further maintained that the use would facilitate an over intensive use of the property and would lead to problems associated with increased levels of activity formed by people with different lifestyles and patterns of behaviour, increased noise, disturbance, waste storage demands and car parking requirements.

On this basis, the proposal is considered to conflict with policies DM1, SP1, H4 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF). There are no material considerations to indicate otherwise.

The principal issues are outlined further below.

Loss of Family Accommodation – Core Strategy Policy H4 states that in East Manchester priority will be given to family housing and other high value, high quality development where this can be sustained.

An important policy objective of the City Council is to improve the quality of housing stock in the City and to deliver a more sustainable housing market. This can be achieved by increasing the amount of family housing stock on offer and by providing for choice through a range of accommodation. This would allow for more balanced and cohesive neighbourhoods that provide for stronger and safer communities.

The loss of a family house in this area would conflict with this aspiration, undermine the regeneration objectives for the area and increase the threat of existing families being driven out of the area, or from being attracted to the area, due to a shortage of appropriate accommodation. To permit the conversion of the property to form 5no. x 1 bed self-contained apartments clearly contravenes City Council policy aspirations and would serve to contribute to the imbalance of the housing mix in the area and deviate from the long-term housing objectives of the City Council which focuses on diversity and choice in the housing market, as well as the protection of residential amenity.

Residential Amenity/Standard of Accommodation – Application site relates to a substantial, part three, part two storey, mid terraced dwellinghouse which has four floors including basement, as stated in the application form the works began on the 1st October 2021 and whilst the form states that the works have not been completed, the applicant has indicated that the property is not currently vacant.

The “proposed” floor plan shown in image 1 reveals that the five flats are spread across the ground floor, first and second floors.

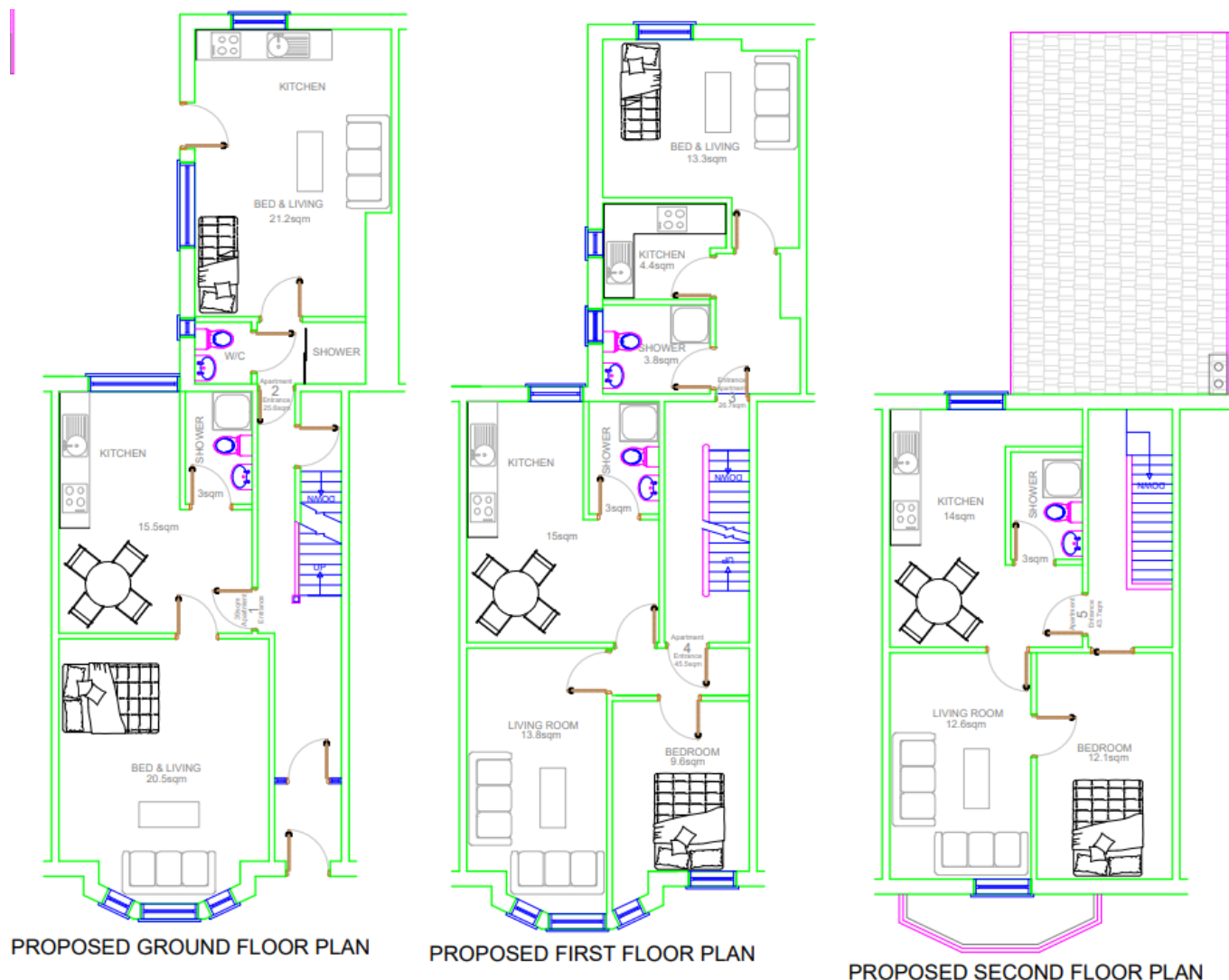


Image 1 Proposed Floor plans as submitted with the application.

As shown in image 1, flats 1, 4 and 5 all contain a bedroom with a double bed, a living room, kitchen and shower room/w.c, flat 2 contains a combined bed, living and kitchen area with a separate w.c and shower and flat 3 contain a combined bed & living area with a single bed a sperate kitchen and shower room/w.c.

The basement is shown as being used as storage space.

Policy DM 1 of Manchester's Local Development Framework: Core Strategy Development Plan Document (the Core Strategy), and Saved Policy DC5 of the Unitary Development Plan for the City of Manchester (the UDP) require that, amongst other things, all development should also have a more general regard to the adequacy and standard of internal accommodation.

When the flats are compared with the internal space standards cited in the Manchester Residential Quality Guidance: Issue 01, which correspond with the relevant Nationally Described Space Standard (NDSS) for one-bedroom, one-storey dwellings. None of the flats would meet the relevant standard for a one bedroom, 1 or 2 persons flat, this is based on the corresponding bed size either being a single (1 person) or a double (2 person).

There are concerns with the limited bedroom/living areas for the smaller flats 2 and 3, this due to their size and configuration; the kitchen, living and sleeping areas as indicated in the floor plan for flats 2 and 3, show very little capacity for food preparation space or storage, or separation of those day to day living arrangements, resulting in a living standard more akin to a bed-sit.

Refuse Storage and Waste – The proposed site layout plan (image 2) show that there would be four bins at the property stored within the rear garden. Environmental Health simply commented that the information regarding waste and its management was not acceptable. There are concerns that four bins are insufficient and it is likely that they would need to accommodate substantially more at the property, which would not only detract from the street scene but also a further indication of the over intensification of the use of the property as 5 flats.

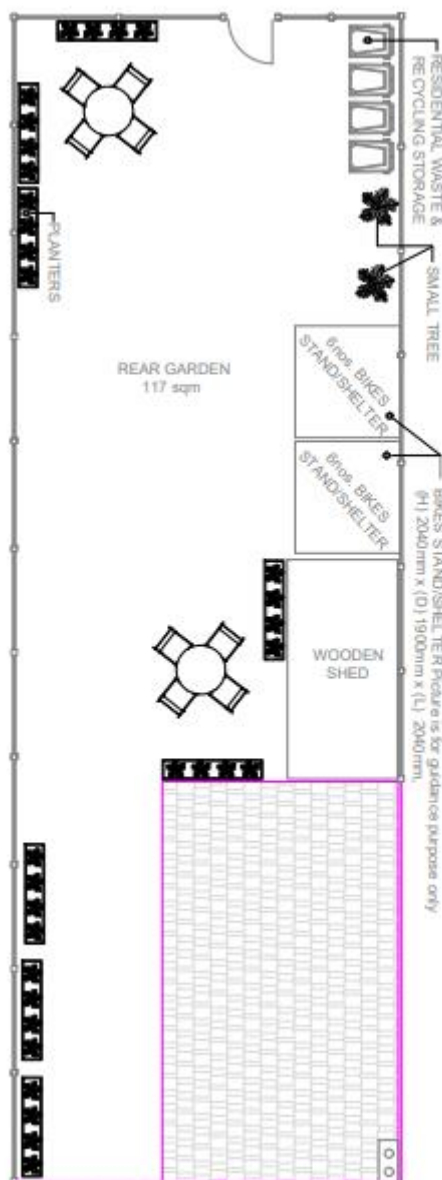


Image 2 Proposed Site Plan Showing the Rear Garden layout

Car Parking – Policy DM1 states, that for all development, regard should be made to parking provision. The increased occupancy of the property would undoubtedly lead to increased competition for on-street parking spaces, for a property that does not presently provide any off-road parking provision.

The proposed use could quite feasibly generate demand for 5 car spaces (1 per flat). This in turn could cause an increase in demand for on-street parking spaces along Droysden Road, Leng Road and Rossington Street as raised by Highway Services.

As a result, the lack of off-road car parking provision would have a detrimental upon highway users and neighbouring occupiers.

It is therefore maintained that lack of any parking provision is unacceptable. The potential introduction of a number of cars associated with the property with an under provision of off-road parking would lead to further on-street parking demand and exacerbate parking problems for existing residents to the detriment of their amenity. This is indicative of the over intensive use of the property and is not therefore considered acceptable.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable, and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

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

1) The retention of use as five self-contained flats results in the loss of a family dwellinghouse, thereby reducing the availability and choice of housing and undermines the formation of sustainable communities, contrary to policies SP1, H4 and DM1 of the Manchester Core Strategy Development Plan Document and saved policy DC5 of the Unitary Development Plan for the City of Manchester.

2) The standard of accommodation represents an over intensive use of the property that will lead to problems associated with increased levels of activity formed by people with different lifestyles and patterns of behaviour, leading to a detrimental impact upon the amenity of occupants of the flats, but also to neighbouring residential occupiers.

The intensive use further leads to increased noise, disturbance, waste storage needs and on-street car parking demands, to the detriment of the residential amenity of the existing occupiers and future occupants of the wider area. The retention of the development is therefore contrary to policies SP1, H4 and DM1 of the Manchester Core Strategy Development Plan Document and saved policy DC5 of the Unitary Development Plan for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Manchester Cathedral

3 Rossington Street, Manchester, M40 1PG
207 Droylsden Road, Manchester, M40 1NY
202 Droylsden Road, Manchester, M40 1NZ
Flat At, 4A Rossington Street, Manchester, M40 1PQ
138 Droylsden Road, Manchester, M40 1NZ
134 Droylsden Road, Manchester, M40 1NZ
211 Droylsden Road, Manchester, M40 1NY
205 Droylsden Road, Manchester, M40 1NY
140 Droylsden Road, Manchester, M40 1NZ
Flat 2, 2 Rossington Street, Manchester, M40 1PQ
Flat 1, 2 Rossington Street, Manchester, M40 1PQ
136 Droylsden Road, Manchester, M40 1NZ
132 Droylsden Road, Manchester, M40 1NZ
Newton House Adult Learning Centre, 203 Droylsden Road, Manchester, M40 1NY
6 Rossington Street, Manchester, M40 1PQ
4 Rossington Street, Manchester, M40 1PQ
4A Rossington Street, Manchester, M40 1PQ
2 Leng Road, Manchester, M40 1WX

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Manchester Cathedral Ownership - Manchester Cathedral Newton Heath Manor
Area Team Boundary - Name: NORTH AREA