



Planning

Growth & Development

Delegated officer report for planning application

Application no. 136470/FO/2023

Date registered valid: 25 April 2023

Proposal: Erection of 1 pair of two storey semi detached dwellinghouses (Class C3) incorporating rear roof dormer, together with associated landscaping and boundary treatment

Address: Land At Junction Of Brogan Street And Garlick Street, Manchester

Ward(s): Gorton & Abbey Hey Ward

Applicant: Mr Abdul Rahman

Agent (if any): Mr Muthahar Khan, Studio Tashkeel Architecture

Case officer: Carl Glennon
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Recommendation: Approve

Date of recommendation: 28 November 2023

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 25 April 2023

Standard consultations:

Printed: 19 May 2023 Expired: 9 June 2023

Neighbour notifications

Printed: 19 May 2023 Expired: 9 June 2023

Site notice

Posted: 25 April 2023 Expired: 16 May 2023



Press advert

Published: 25 April 2023 Expired: 16 May 2023

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 application site comprises open land at the north-west junction of Brogan Street and Garlick Street. It also involves land forming part of the access to a neighbouring public car parking area located to the west of the site (with access from Garlick Street). Notwithstanding the proximity of the site to Gorton District Centre the surrounding area is predominantly residential. The

application site adjoins the southern elevation of 1 Brogan Street, which forms part of a residential terrace sited at the back of footpath. Each property incorporates an enclosed rear garden that are separated from Wellington Street (to the west) by landscaped open space. The houses are constructed in brick with pitched roofs set between end gables. A window has been inserted into the first floor side elevation of 1 Brogan Street together with gates to its side boundary providing access across the car parking area.



Fig.1 – Views of the application site from Brogan Street and Garlick Street

Description of development

The development involves the siting of a pair of semi-detached houses that would be sited at the back of pavement to Brogan Street following the building line established by neighbouring terraced houses. The southern elevation to Plot 1 would be positioned adjacent to the pavement to Garlick Street. The northern elevation of Plot 2 would be offset from the side wall of 1 Brogan Street by 1.1 metres to facilitate access to a rear garden. The development would incorporate pitched roofs set between gable elevations. The proposed ridge and eaves lines would correspond to the neighbouring terraced houses. The proposed houses would have a ground floor depth of 10 metres due to the formation of a rear lean-to extensions (the depth would be reduced to 9.2 metres at first floor level). The development would have a maximum projection of 2 metres beyond the rear building line of 1 Brogan Street. Flat roof dormer extension would be formed to the rear of each property separated by a gap along the shared boundary. Windows and doors would be symmetrically configured in the front and rear elevations. Windows with obscured glazing would be formed in the side elevation presented to Garlick Street. The proposed rear garden areas would be enclosed by 2.1 metre high wall. Access to the garden to Plot 1 would be via a gate along the Garlick Street boundary.



Fig.1 – External elevations

Internally, the development would comprise:

Ground floor – Living room and kitchen / dining area.

First floor – 2 x bedrooms and 1 x bathroom.

Roof space – 1 x bedroom with en-suite bathroom and storage area.

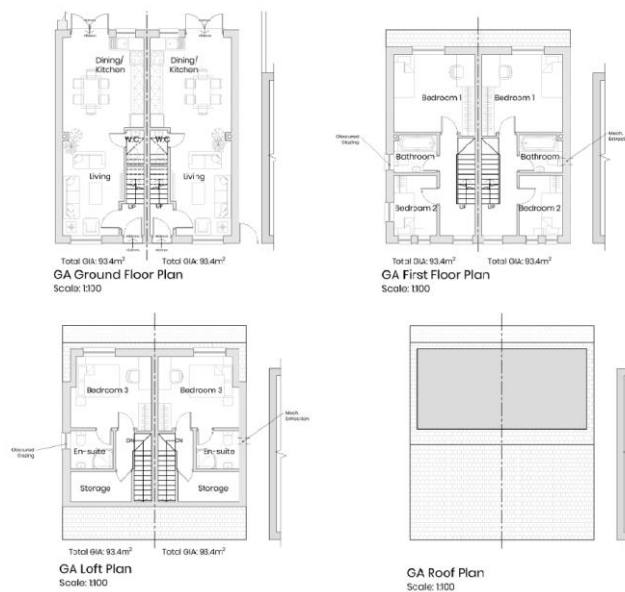


Fig.2 – External layout

Site history

135156/FO/2022 - Erection of 1 pair of two storey semi-detached dwellinghouses (Class C3) incorporating rear roof dormer, together with associated landscaping and boundary treatment Land off Brogan Street and Garlick Street Manchester
Withdrawn 6 March 2023

Consultations & Notification Responses

Local residents – 4 objections have been received and are summarised below:

- i. There are concerns regarding to the impact of the development on a window in the side elevation of a neighbouring property with regards to loss of light.

- ii. Also potential impact on the operation of a neighbouring satellite dish.
- iii. The siting of the development would adversely affect access to the rear of a neighbouring property and adjacent car parking area.
- iv. Concern has been expressed regarding the removal of trees prior to the submission of the application and the resulting harm on local ecology.
- v. The development would not be supported with car parking and affect the operation of an existing car parking area. The development would lead to additional on-street car parking and traffic congestion that would be harmful to residential amenity and pedestrian and highway safety. The loss of existing car parking spaces would affect the operation of nearby businesses, i.e., through the loss of customer parking.

Highway Services –The following comments have been received:

- i. The anticipated number of trips is not considered to be significant and would not impact on the operational capacity of the highway network.
- ii. On-site car park is not proposed but this is not considered to be unduly problematic due to the sustainable location of the site and access to public transport.
- iii. Highways expressed concern regarding the encroachment of the development on to land used for car parking. Highways were advised that the access to this land via Garlick Street fell within the applicant's leasehold interest and therefore its retention for future access could not be guaranteed. Highways considered whether the car parking spaces could be potentially configured as part of an off-site highways condition. Such a condition has been included but it is not apparent that there would be sufficient space to achieve a satisfactory parking layout.
- iv. Clarification of the retention of access to gates in the side boundary of 1 Brogna Street should be clarified.
- v. Pedestrian access would be via Brogan Street with gates providing garden access to the street. This would be acceptable subject to the provision of inward opening gates.
- vi. Secure cycle storage should be provided.
- vii. Proposed kerb-side bin collection would be acceptable.
- viii. Any requirement for scaffolding etc should be agreed with the Council as local planning authority.
- ix. The development should be related to a construction management plan.

Environmental Health – The following comments have been received:

- i. Land conditions – A satisfactory Phase I condition has been received. A condition is requested requiring the approval of a Phase II remediation strategy and a report verifying agreed works.
- ii. Are satisfied that satisfactory waste management arrangements plan could be delivered as part of the development.

Flood Risk Management Team – The development does not require a specific drainage condition. However, an informative has been requested advising that the consent of United Utilities be gained before connecting to the public sewer.

Greater Manchester Police – There is a potential risk that the exposed gable elevation to Garlick Street may be vulnerable to anti-social behaviour and vandalism, but it is acknowledged that back of pavement end of terrace houses are characteristically found in the area. It is recommended that the development be related to a Secured by Design condition.

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' (paragraph 7). The purpose of the planning system is to achieve sustainable development. Paragraph 8 of the NPPF 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.

- i. Section 5 Delivering a sufficient supply of homes - States that to support the Government's objective of significantly boosting the supply of homes, a sufficient amount and variety of land can come forward where it is needed. Section 5 states the importance of small and medium sized sites to housing requirements is acknowledged along with delivery of development that supports housing for first time buyers. In this case, it is considered that the proposed development would positively contribute to the quality and supply of housing in the local area and secure the development of a brownfield site. The development would thereby accord with Section 5.
- ii. 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 development would present habitable room windows to the street, which would reflect the characteristics of neighbouring terraced houses and aid natural surveillance. The development would present opportunities for the incorporation of appropriate security measures and site management
- iii. Section 9: Promoting sustainable transport - States that in assessing specific applications for development, it should be ensured that:
 - a) Appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
 - b) Safe and suitable access to the site can be achieved for all users.

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 development would thereby accord with Section 9.

- iv. Section 11: Making effective use of land - States that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. The use of

previously developed or 'brownfield' sites is encouraged. It is considered that Section 11 has been positively responded to as the development would secure the re-use of a brownfield site and secures housing with a high quality of urban design and potential for sustained occupation. The scale, proportions and character development would also be appropriately related to the constraints of the existing building and surrounding area.

v. 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. It is considered that the development would accord with the objective of ensuring that the development functions effectively and adds to the overall quality of the area. The proposed design would deliver a high quality of architecture and an appropriate layout. The relationship to the street would be secured through the specified materials condition. Section 12 would thereby be accorded with.

vi. Section 14: Meeting the challenge of climate change, flooding and coastal change - States that new development should: avoid increased vulnerability to the range of impacts arising from climate change and help to reduce greenhouse gas emissions. The development is small scale with a commensurate environmental impact, which would be mitigated by the implementation of modern building techniques, insulation and glazing and compliance with building regulations. On balance, the development would be satisfactorily related to section 14.

Planning Practice Guidance (PPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. The PPG seeks to both simplify and clarify planning guidance easier and simpler. It is intended to be read in conjunction with the National Planning Policy Framework (NPPF) and is relevant to key planning issues of significance to applicants and local authorities. In the following assessment of the proposed development has been given to the following aspects of the PPG:

- i. Consultation and pre-decision matters
- ii. Design
- iii. Flood Risk Planning and Flood Risk
- iv. Health and well-being
- v. Air quality
- vi. Land affected by contamination
- vii. Noise

The Places for Everyone Plan - Is a Joint Development Plan Document and 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 policies are relevant:

- i. JP- S1- Sustainable development
- ii. JP- S2 – Carbon and energy

- iii. JP- S5 – Flood risk and the water environment
- iv. JP- H1 – Scale, distribution and phasing of new housing.

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 (Spatial Principles) - 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 through: the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents and responding to the diverse needs of all members of the community and the protection and enhancement of the built and natural environment;
- b. Minimises emissions, ensures efficient use of natural resources and reuses previously developed land wherever possible;
- c. Improves access to jobs, services, education and open space whilst reducing the need to travel and securing good access to sustainable transport provision.

It is considered that the proposed development would contribute positively to the above objectives and make a positive contribution to the formation of a sustainable community. It would be beneficial to the diversity of local housing supply and secure the re-use of an existing building. It would provide accommodation that would improve access to employment and educational opportunities. Policy SP1 would be positively responded to.

Policy EN1 (Design Principles and Strategic Character Areas) - States that opportunities for good design to enhance the overall image of the City should be fully realised to reinforce and enhance the local character and context of the development site. In this case, the composition of the development would be appropriately related to the height and scale of built form in the local area. The design has been informed by surrounding roofscapes and the coherent use of materials would give the development an appropriate identity. Policy EN1 would thereby be accorded with.

Policy EN4 (Reducing CO2 Emissions by Enabling Low and Zero Carbon Development), policy EN 6 (Target Framework for CO2 reductions from low or zero carbon energy supplies) and Policy EN 8 (Adaptation to Climate Change) – As stated the above policies would be addressed through the implementation of modern building techniques, insulation and glazing and compliance with building regulations.

Policy EN 14 (Flood Risk) - States development should be directed away from sites at the greatest risk of flooding and towards those with little or no risk. The site is located in Flood Zone 1 and the development has been assessed and it is not considered that a drainage condition will be required. The development has been appropriately related to policy EN14.

Policy EN15 (Biodiversity and Geological Conservation) – States that developers will be expected to identify and implement reasonable opportunities to enhance biodiversity. The pre-application removal of the trees, the application site has little amenity value. Bio-diversity gain would be delivered through a condition requiring the provision of bat and bird boxes.

Policy EN18 (Contaminated Land and Ground Stability) - States that any proposal for development of contaminated land must be accompanied by a health risk assessment. This application has been accompanied by a Desk Study and Geo-Environmental Assessment, which has been assessed by Environmental Health whose recommendations have identified issues that can be addressed through the recommended contaminated land condition to secure compliance with policy EN18.

Policy EN19 (Waste) – It is considered that satisfactory waste management and recycling arrangements can be put in place during the construction and operation phases of the development. Policy EN19 would thereby be accorded with.

Policy H1 (Overall Housing Provision) - Sets the objectives for the delivery of new housing in Manchester. It encourages the re-use of previously developed sites, secure high quality urban design and secure an appropriate mix of housing tenure. It is considered that the development has been appropriately related to these objectives.

Policy H 4 East Manchester – States that East Manchester, which includes Gorton, will accommodate around 30% of new residential development (during the life of the Core Strategy), with priority given to family housing. The development would thereby respond positively to policy H4.

Policy H11 (Houses in Multiple Occupation) - Has been related to a condition to ensure that the development is maintained as Class C3 accommodation and to prevent future occupation as small-scale houses in multiple occupation (Class C4). This requirement would ensure that a sustainable supply of family housing and appropriate mix housing types and tenure is maintained in accordance with policy H11.

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 carbon free modes of transport.

Policy T2 (Accessible areas of opportunity and need) - States that the Council will actively manage the pattern of development and ensure access to services and recreational opportunities by walking, cycling and public transport

In this case, the development would not be supported with car parking provision but would include cycle storage. The absence of car parking would be offset by the sustainable location, including with access to Gorton District Centres and local bus services. The development thereby satisfactorily responds policies T1 and T2.

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:

- a. Appropriate siting, layout, scale, form, massing, materials and detail;
- b. Impact on the surrounding areas in terms of the design, scale and appearance;
- c. Effects on amenity;
- d. The accessibility to buildings and neighbourhoods and delivery of inclusive access and sustainable transport modes;
- e. Community safety and crime prevention;
- f. Design for health;
- g. Adequacy of internal accommodation and external amenity space;
- h. Refuse storage and collection.

The following assessment demonstrates how the development would accord with policy DM1 points a - h (inclusively). It is considered that the impact of the development on residential amenity would be suitably mitigated and managed through the details of the application and related conditions. Policy DM1 would thereby be accorded with.

Unitary Development Plan (saved UDP) Policies -The following Unitary Development Plan saved policies are relevant to the assessment of the development:

Part 2

Policy DC7 (New Housing Development) - States that the Council will seek to ensure that new housing delivers inclusive access at ground floor level, wherever practicable. Policy DC7 also requires that a satisfactory quality of development is achieved. In this case, satisfactory inclusive access would be potentially achieved via the rear access. The principal entrance would achieve a level threshold due to change levels and the position principal elevation at the back of footpath. The standard of accommodation would be satisfactory. Policy DC7 would thereby be complied with.

Policy DC26 (Development and noise) - Has been related to the proposals contribution to the local noise environment and how existing noise sources, including noise from neighbouring industrial / commercial uses, may impact on the proposed housing.

Policy DC26.4 requires that where an existing noise source might result in an adverse impact upon a proposed new development, consideration is given to measures to deal with it satisfactorily.

Policy DC26.5 has been related to the assessment of the development, in terms of measures to control noise, including the provision of noise insulation.

It is considered that the design is capable of accommodating satisfactory noise insulation and an appropriate condition has been included to secure compliance with policy DC26.

Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance - The Guide aims to support and enhance the on-going shaping of the city by providing a set of reasoned principles which will guide new development. The following paragraphs are of relevance and have been responded to appropriately:

- i. Section 2 Design
- ii. Section 3 Accessibility
- iii. Section 4 Environmental Standards
- iv. Section 7 Housing Density and Mix
- v. Section 8 Community Safety and Crime Prevention

Manchester Residential Quality Guidance (MRQG) - Sets out the direction for the delivery of sustainable neighbourhoods of choice where people will want to live. It also seeks to raise the quality of life across Manchester. To achieve the City's target of carbon neutrality by 2050, residential schemes will also need incorporate the most appropriate and up to date technologies to significantly reduce emissions. The guidance is therefore relevant to all stages of the development process, including construction and operational management. The proposed house types would exceed the relevant space criteria as set out in the guidance. The quality of the design and layout of the development and quality of design would positively contribute to the character of the local area, encourage sustained long-term occupation and thereby secure compliance with the MRQG.

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 engaged in pre-application discussions with the applicant's agent and thereby established the parameters of the development and identified pertinent material considerations. These discussions informed the subsequently submitted planning application. Further discussions were undertaken during the consideration of the development to secure appropriate changes to the proposed layout and positive responses to statutory consultation. It is considered that the submitted information has facilitated the appropriate assessment of the development.

Principle of the development – Given the configuration of the application site it appears likely that the site has been previously developed, although there are no records of historic planning applications. The development would be appropriately related to the neighbouring residential area, in relation to the proposed use and magnitude. The design of the development has been suitably informed by the scale and character of surrounding housing. The quality of the elevational treatment would be appropriately related to the appearance the streetscene. The internal layout would also encourage sustained occupation. The development would positively contribute to the supply of affordable housing and thereby respond to identified housing need. The principle of the development is considered to be acceptable.

Publicity and local consultation – The application was subject of the required neighbour and statutory consultation, press notices and display of site notices.

Magnitude of development – It is considered that the development would be appropriately related to the constraints of site and would provide satisfactory amenity space.

Siting – The width of the proposed houses would be comparable to houses on the western side of Brogan Street. The development would project by 2 metres beyond the principal rear elevation to 1 Brogan Street at ground floor level and 1.2 metres at floor. Any resulting impact on 1 Brogan Street would be offset by the space maintained adjacent to the northern elevation and the open aspect from the neighbouring rear elevation across grassland abutting Wellington Street. The siting of development would maintain a 4.3 metre deep garden area. The depth of the garden area has also been reduced to ensure access to gates in the side boundary of 1 Brogan Street. On balance the siting of the development is considered to be acceptable.

Scale and massing – The proposed development would be limited to two storeys. The frontage of the houses to Brogan Street would maintain the forward building line and heights established by the neighbouring ridge and eaves lines. The formation of a lean-to the rear elevation and the offsetting of the flat roof extension would give the development a sense of graduated height. The formation of gable elevations would reflect design characteristics of the locality. The massing of the development would be reduced by the arrangement of windows and doors. It is considered that the scale composition of the development is proportionate and suitably informed by the composition of neighbouring built form.

Future use of the development - A condition is recommended to ensure that the proposed houses are maintained as single occupancy accommodation and to prevent future occupation as small-scale houses in multiple occupation (Class C4) proposed housing is retained as Class C3 accommodation. This approach would ensure that the development contributes to a sustainable supply of family housing and appropriate mix housing type and tenure.

Permitted development restrictions - In order to maintain and safeguard residential amenity and in response to the constraints of the substantive site, it has been considered appropriate to restrict the permitted rights that would otherwise be available to householders. Conditions have therefore been recommended in the interests of residential amenity and to ensure that the following development is not undertaken without the permission of the City Council as local planning authority:

- i. The erection of extensions, porches and outbuildings;
- ii. The replacement of authorised boundary treatments;
- iii. The insertion of additional windows.

Design – The proposed development presents contemporary interpretation of semi-detached housing that has been informed by the characteristics of neighbouring terraced housing, included wall enclosed external amenity space. The development would incorporate red brick and buff cills and lintels to the window openings to the principal elevations. The expanse of brickwork the southern elevation would be relieved by the arrangements of windows. The roof extension would be set below the ridge line to secure an appropriate relationship to the existing ridge line. The development would be appropriately related to the line of the existing eaves to give continuity the streetscene. It is considered that the proposed design has been appropriately related to the character of built form in the locality. The proposed design would be acceptable and final details of the materials specifications would be agreed by condition.

Inclusive access – The configuration of the development to the back of footpath would prevent the formation of inclusive access via the principal elevation. A condition has been included to ensure the provision of thresholds to the rear entrance and via gated access points to the rear gardens. The open plan ground floor layout would provide inclusive access to the principal ground floor rooms. These arrangements would be appropriate given the constraints of the site.

Residential amenity – The quality of proposed accommodation would encourage sustained occupation. Satisfactory amenity space would be provided. Impact of noise would be commensurate with residential occupation and any impacts for neighbouring noise generating uses would be capable of being addressed by condition. The northern side elevation has been offset from the gable elevation of 1 Brogan Street, which incorporates an obscure glazed first floor window within it. The development has been amended to omit bathroom windows to the proposed northern elevation and provide mechanical ventilation. On balance, it is not considered that the development would unduly harm residential amenity.

Residential space standards – The development has been presented as a 3 -bedroom, four person house over, three storeys. On this basis, the development would marginally exceed the required 90 sq. metre space criteria specified in the Manchester Residential Quality Guidance. The achieved internal space would encourage the sustained occupation of the development.

Impact on local open space provision – The application site formally accommodated several trees that were removed prior to the submission of the planning application. The trees were not protected. The limited space and extent of tree cover and vegetation prevented the use of the land for recreational purposes. The land has also been enclosed with fencing. It is not considered that the development impact on open space provision.

Crime and Security – The development would provide satisfactory natural surveillance of the street and boundary treatment would satisfactorily define public and private space and the provision of private amenity space. A condition has been recommended requiring that a scheme is submitted, approved and implemented to ensure the delivery of security and crime reduction measures that accord with secured by design criteria.

Boundary treatment – Would be consistent with the appearance of boundary walls to yard areas to neighbouring terraced housing. This arrangement is considered to be acceptable subject to the conditioned use of matching materials.

Car parking and highways issues – The development would not be supported with off street car parking. The development may result in some additional on-street car parking. However, reliance on private car ownership would be potentially offset by the sustainable location of the site regarding access to public transport and close proximity of Gorton District Centre. Although the hard surfaced land to the west of the site has been used for car parking, it is not apparent that such use has been formally adopted. The car parking spaces have not been demarcated and if the usual car parking dimensions were to be applied, the required manoeuvring space would not be achieved. The use of this area for car parking is considered to be informal and its loss would not be significant in the wider locality (given the availability of car parking to support retail and commercial uses in the district centre). As the leasehold interest lies with the application and details of rights of access across it have not been established, the future use of this land in connection to its use for car parking cannot be guaranteed.

Cycle storage – One cycle storage space has been provided within the proposed rear gardens, which would be appropriate. A condition has been included to ensure that secure cycle storage is provided and implemented to an agreed specification.

Waste management – The applicant has demonstrated that the development has the capacity to accommodate waste and recycling bin storage in the respective rear gardens. However, the bin capacities for general refuse, pulvable recycling and mixed recycling will need to be reviewed to accord with Council guidance. The design of the proposed bin enclosure will also need to be reviewed to ensure that four appropriately sized bins. Transfer distances to respective collection points on Brogan Street and Garlick Street would be appropriate.

Off-site highways works – A condition has been included to ensure that all necessary works to the adjacent highways and adjacent hard standing areas. that are related to the development are undertaken prior to the occupation of the development. It is considered that these measures would ensure that the development would unduly harm the operation of the surrounding highway.

Construction Management Plan (CMP) - Given the relationship of the site to neighbouring houses, construction work will need to be implemented in accordance with a management plan. A CMP condition has therefore been recommended, which includes measures for dust suppression and wheel washing.

Noise – Given the characteristics of the development it is considered that appropriate noise attenuation can be achieved. A condition has been included to ensure that attenuation specifically addresses noise from retail / commercial uses and traffic along Wellington Street and any other identified noise sources within the vicinity of the application site.

Land conditions - The applicant has submitted a ground condition survey that has been assessed and gives assurance that, subject to further information, issues relating to historic land contamination are capable of being addressed. A condition is recommended to ensure that submission of additional details pertaining to the report and to ensure the implementation of an appropriate remediation strategy and all necessary mitigation works.

Flood risk and site drainage - The application site is located within Flood Zone 1 and has low risk of flooding. A specific drainage condition is not required and the informative requested by FRMT has been included.

Ecology – The development site has limited ecological value but some benefit would be delivered through the provision of bat and bird boxes.

Telecommunications pole – There is telecommunications pole within the site that would be located in one of the rear gardens following the implementation of the development. An informative has been included that recommends responsible telecommunications provider is contacted to discuss arrangements for its potential relocation prior to the commencement of the development.

Conclusion - The proposed development would continue to provide a sustainable use for an unused building that would otherwise be remain vacant and may be affected by structural decline. The proposed use is considered to be appropriate and suitably related to the predominant character of the surrounding area. The development is therefore considered to be acceptable and satisfactorily related to planning policy and guidance.

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 based on seeking solutions to problems arising in relation to dealing with the planning application. In this case, officers engaged in pre-application discussions with the applicant's agent and thereby

established the parameters of the development and identified pertinent material considerations. These discussions informed the subsequently submitted planning application. Further discussions were undertaken during the consideration of the development to secure appropriate changes to the proposed layout and positive responses to statutory consultation. It is considered that the submitted information has facilitated the appropriate assessment of the development.

Condition(s) to be attached to decision for approval

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 received by the City Council as local planning authority on the specified date:

Planning application forms received 13 March 2023

Location plan Ref: PL_101 received 28 November 2023

GA existing and proposed site plans Ref: PL_102 received 28 November 2023

GA Proposed floor plans Ref: PL_103 received 28 November 2023

GA Proposed elevations Ref: PL_104 received 28 November 2023

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 for the City of Manchester.

3) Before the commencement of above ground construction works, 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 fully implemented in accordance with the approved details, which shall be maintained in situ thereafter.

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 policies SP1 and DM1 of the Core Strategy for the City of Manchester.

4) The authorised development relates to the erection of: two, three bedroom dwellinghouses (Class C3).

Reason - To safeguard the amenities of the occupiers of nearby residential properties pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development Plan.

5) 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 residential units 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 2015, 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) not precluding occupation by two unrelated people sharing a property.

Reason - In the exceptional circumstances of a proliferation of HMOs restricting housing choice and adversely affecting sustainability and in the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through the provision of accommodation that is suitable for people living as families pursuant to paragraph 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1 and DM1 of the Core Strategy for the City of Manchester.

6) 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 garages, extensions or outbuildings shall be erected other than those expressly authorised by this permission.

Reason - In the interests of residential amenity pursuant to policy SP1 and DM1 of the Core Strategy for the City of Manchester.

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 shall be inserted into the elevations of the dwellinghouses hereby approved other than those shown on the approved drawings referenced: GA Proposed floor plans Ref: PL_103 and GA Proposed elevations Ref: PL_104.

Reason - In the interests of residential amenity pursuant to policy SP1 and DM1 of the Core Strategy for the City of Manchester.

8) Before the occupation of the development windows to bathrooms and shower rooms indicated on the approved drawings ref: GA Proposed floor plans Ref: PL_103 and GA Proposed elevations Ref: PL_104 as being obscure glazed shall achieve a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy for the City of Manchester.

9) Prior to the commencement of the development hereby approved, a detailed construction management plan outlining working practices during the construction phase of the development shall be submitted to and approved in writing by the local planning authority, which for the avoidance of doubt should include:

- i. Display of an emergency contact number;
- ii. Details of wheel washing;
- iii. Compound locations where relevant;
- iv. Location, removal and recycling of waste;
- v. Routing strategy and swept path analysis;
- vi. Parking of construction and staff vehicles;
- vii. Sheeting over of construction vehicles;
- viii. Dust suppression measures.

Development shall be carried out in accordance with the approved construction management plan upon commencement of authorised works.

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester.

10) Before the occupation of the development, a scheme shall be submitted to and approved in writing by the City Council as local planning authority, detailing the bin capacities for the storage of segregated waste and recycling located in the positions shown on drawing referenced GA existing and proposed site plans Ref: PL_102. The approved arrangements shall be implemented upon occupation of the development and maintained in situ thereafter.

Reason - In the interests of residential amenity and to secure appropriate arrangements for the storage and collection of segregated waste and recycling, pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester.

11) Before occupation of the development, a scheme shall be submitted to and approved in writing by the City Council as local planning authority relating to the acoustic insulation of the residential accommodation against noise from retail / commercial uses and traffic along Wellington Street and any other identified noise sources within the vicinity of the application site. The approved noise insulation scheme shall be implemented before the development is occupied.

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 secure appropriate noise attenuation and in order to protect future residents from noise nuisance, pursuant to policies SP1, H1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development Plan.

12) 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 policies DM1 and EN18 of the Core Strategy for the City of Manchester.

13) Before the occupation of the authorised development, full details and specifications of all off-site highways works, including footpath reinstatement to Brogan Street and Garlick Street (including the hardstanding area immediately to the west of the application site), shall be submitted to and approved in writing by the City Council as local planning authority. The required works shall be fully implemented prior to the first occupation of any part of the development and maintained in situ thereafter.

Reason - In the interest of pedestrian and highway safety and in the interests of local amenity, as specified in policies SP1, T2 and DM1 of the Core Strategy for the City of Manchester and guidance contained within the National Planning Policy Framework.

14) Before the occupation of the development, a scheme shall be submitted to and approved in writing by the City Council as local planning authority, detailing the provision of level thresholds to the rear entrances of ground floor of the proposed houses, including routes widths and gradients. The approved scheme shall be implemented before occupation of the development and maintained in situ thereafter.

Reason – To ensure the provision of inclusive access and in the interests of residential amenity pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

15) Before the occupation of the development, a scheme shall be submitted to and approved in writing by the City Council as local planning authority relating to the provision of measures to deliver on-site security and to reduce the risk of crime in accordance with the principles of Secured by Design. The approved scheme shall be implemented prior to the occupation of the development and maintained in situ at all times thereafter.

Reason - To reduce the risk of crime, pursuant to policies SP1, EN1 and DM1 of the Core Strategy for Manchester and to reflect the guidance contained in the National Planning Policy Framework.

16) Before the occupation of the authorised development, details of the capacity, design and appearance of the cycle store as on drawing referenced: GA existing and proposed site plans Ref: PL_102 shall be submitted to and approved in writing by the City Council and local planning authority. The approved details shall be fully implemented prior to the occupation of the development and maintained in situ thereafter.

Reason - In the interests of residential amenity and to secure appropriate arrangements for the storage of cycles, pursuant to policies SP1, T1 and DM1 of the Core Strategy for the City of Manchester.

17) Before the occupation of the authorised apartments, a scheme to encourage biodiversity within the application site shall be submitted to and approved in writing by the City Council as local planning authority, including the provision measures to encourage habitats for native bird and bat species. The development shall be implemented in accordance with approved scheme prior to the occupation of the authorised apartments and shall be maintained in situ thereafter.

Reason - in the interests of residential development and to encourage bio-diversity pursuant to policies SP1, EN1, EN15 and DM1 of the Core Strategy for the City of Manchester and the National Planning Policy Framework.

Informatives

1) Information for Developers guidance documents can be downloaded using the following link: http://www.manchester.gov.uk/info/500207/planning_and_regeneration/1962/additional_planning_guidance/3

2) The applicant should be advised that any continuing requirements for licensing and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

3) Before the commencement of the development, it is recommended that the telecommunications provider responsible for the telecommunications pole located within the application site is contacted to discuss arrangements for its potential relocation.

4) Where connection to the public sewer is proposed, the applicant must obtain the necessary approvals from United Utilities. The applicant should design and construct drainage system to prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system.

Appendix 1 – List of consultees & neighbours notified

Corporate Property
Environmental Health
MCC Flood Risk Management
Highway Services
Greater Manchester Police

6 Garlick Street, Manchester, M18 8UB
8 Garlick Street, Manchester, M18 8UB
10 Garlick Street, Manchester, M18 8UB
12 Garlick Street, Manchester, M18 8UB
14 Garlick Street, Manchester, M18 8UB
16 Garlick Street, Manchester, M18 8UB
18 Garlick Street, Manchester, M18 8UB
20 Garlick Street, Manchester, M18 8UB
3 Garlick Street, Manchester, M18 8UD
5 Garlick Street, Manchester, M18 8UD
7 Garlick Street, Manchester, M18 8UD
1 Brogan Street, Manchester, M18 8UD
3 Brogan Street, Manchester, M18 8UD
5 Brogan Street, Manchester, M18 8UD
7 Brogan Street, Manchester, M18 8UD
9 Brogan Street, Manchester, M18 8UD
11 Brogan Street, Manchester, M18 8UD
111 Wellington Street, Manchester, M18 8BE
4 Garlick Street, Manchester, M18 8UB
2A Garlick Street, Manchester, M18 8UB
113 - 115 Wellington Street, Manchester, M18 8BE
2B Garlick Street, Manchester, M18 8UB
117 Wellington Street, Manchester, M18 8BE
2 Garlick Street, Manchester, M18 8UB

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
Area Team Boundary - Name: NORTH AREA