MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	137478/FO/2023
Date registered valid:	20 July 2023
Proposal:	Erection of first floor extension in connection with conversion of building into 11 apartments with related elevational alterations and associated car parking, cycle storage and boundary treatments.
Address:	9 Justin Close, Manchester, M13 9WX
Ward(s):	Ardwick Ward
Applicant:	Mr Brachfeld
Agent (if any):	Miss E Tsirintoulaki, Debtal Architecture Ltd
Case officer:	Carl Glennon Tel: 0161 234 4530 Email: carl.glennon@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	16 November 2023

Application details

Type of application: Full Application Consent

Development type: Major Dwellings

Date of site visit: 5 September 2023

Standard consultations:
Printed: 27 July 2023 Expired: 17 August 2023

Neighbour notifications
Printed: 7 September 2023 Expired: 28 September 2023

Site notice
Posted: 5 September 2023 Expired: 12 September 2023



Fig. 1 – Displayed site notice Justin Close

Press advert
Published: 29 August 2023 Expired: 12 September 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

This application relates to an L-shaped site containing a building comprising two storeys with a pitched roof and ground floor single storey elements. The building incorporates an enclosed amenity area and car park with access via Justin Close. Communal car parking is positioned on Justin Close immediately adjacent to the application site boundary. The eastern elevation of the building adjoins a public footpath with an area of communal open space. The application site is surrounded on three sides by two storey housing. To the west of the site is a place of worship and community centre and a separate community centre. Housing to the south of the site is punctuated by pocket of open space. The application property is vacant but has been previously converted to residential use.





Fig.2 – Views of the application site

Description of development

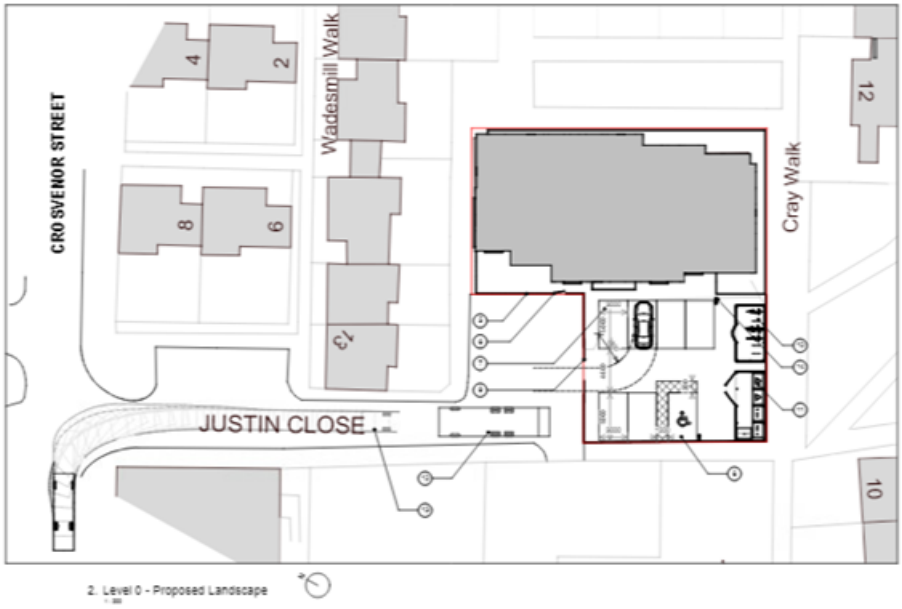


Fig. 3 -Proposed layout

The proposed development comprises:

i. External layout – The external perimeter of the site would be enclosed by a mix of retained timber panel fencing and new railings. The northern elevation of the building would continue to be presented to the back of the passageway without a demarcated boundary. The proposed car parking area would be demarcated to facilitate the formation of 8 car parking spaces serviced by central route from the gated vehicle access to Justin Close. The car park would incorporate cycle and bin storage enclosures. Two electric vehicle (EV) charging points would be provided. A pedestrian access gate would be positioned on the Justin Close boundary.

ii. Elevational changes – The proposal involves the removal of the existing pitched roof at first floor level and replacement with a flat roof at the existing eaves height of 6.2 metres. The new flat roof would be extended (at first floor level) by the formation of an extension to the eastern and southern. Whilst the development would maintain the footprint of the existing building, at first floor level the building depth would be increased to a maximum 12.7 metres. The existing single storey flat roof elements of the building (west, north and eastern elevations) would be retained. The applicant has indicated the use of contrasting render at ground and first floors levels.



Fig.5 – Existing and proposed elevations

The elevations would be punctuated with rectangular windows and patio doors at ground floor level. Juliet and freestanding railings would be related to the patio doors to secure demarcation from the public realm. Door and window frames would be in dark grey.

iii. Internal layout – Would comprise:

Ground floor – Four, 1 bedroom, 1 person apartments
Three, 2 bedroom, 3 person apartments
First floor – One, 1 bedroom, 1 person apartments
Three, 2 bedroom, 3 person apartments
One caretaker's storeroom

Three ground apartments and all first floor apartments would be accessed via a communal entrance within the western elevation. Four ground apartments (A, D, E and F) would have separate entrances in the western elevation.

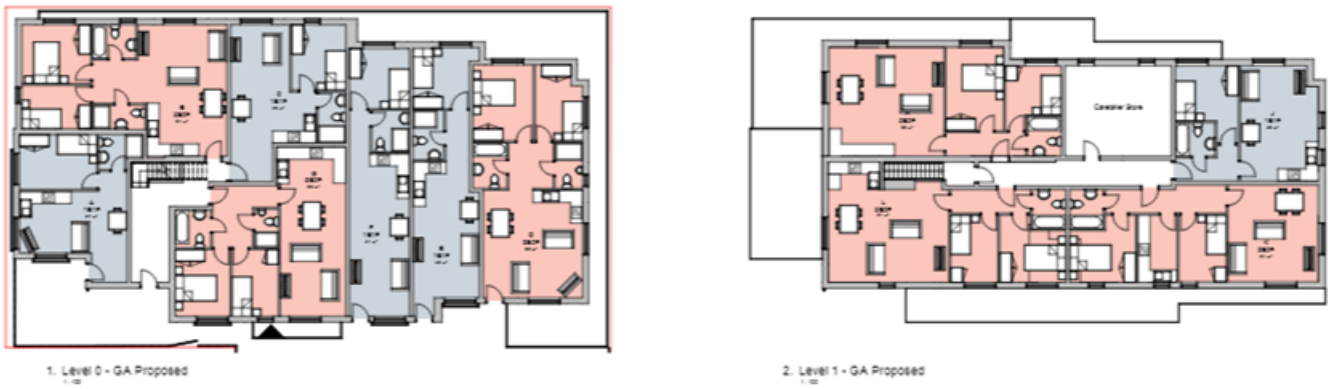


Fig. 6 – Proposed internal layout

Site history

042894/FU/CENTL2/93 - Change of use from public house to brewery and public house
Approved 14 May 1993

050067/FU/CENTL2/96 - Use of former public house as a drop-in centre for community counselling and pastoral care facilities, cafe and office accommodation
Approved 24 October 1996

068260/FU/2003/N2 - Change of use from drop-in centre to a single dwellinghouse

Consultations & Notification Responses

Local residents – One email has been received, whilst the development is not objected to, the following concerns have been raised:

i. The development may affect neighbouring trees, which need to be retained and safeguard due to their aesthetic quality and importance as wildlife habitats.

ii. The existing boundary treatment is considered to be ineffective and does not appropriately secure the site. Appropriate fencing should be provided to secure the site perimeter and reduce the risk of crime (in relation to the building and parked vehicles).

iii. Incidences of anti-social behaviour, attributed to the disuse and condition of the building, have been reported.

iii. Construction work may cause disturbance and it should be restricted to 9.00am to 5.00 pm, Monday to Friday.

Highway Services – The following comments have been received:

i. The anticipated number of vehicular trips related to the development would not adversely impact on the capacity of the highways network.
ii. The site is located in an established residential area with a number of bus services and facilities within walking distance of the site.
iii. Updated drawings show that a minimum 1 metre wide pedestrian route will be provided between the proposed car park and pedestrian building entrance.
iv. A car park aisle width of 4.6m is proposed with parking spaces widened to 3 metres, in order to accommodate vehicle manoeuvrings. Sufficient clearance is also shown around the proposed accessible bay.
v. The revised parking bay dimensions are acceptable.
vi. Parking bay widening has resulted in a reduction in on-site parking with 7no. spaces now proposed, equating to 64% provision, which is considered to be acceptable given the accessible location of the site. The car parking area should be appropriately demarcated.,
vii. The identified provision of EV charging points should be conditioned for implementation as part of the development.
viii. Stands with capacity for 12 cycles exceeds the Council's minimum requirements of one space for each dwelling. The provision is therefore acceptable.
ix. The proposed car park gates are shown to slide opening and would not impact on the highway.
x. It is recommended that the development is related to a construction management plan condition.

Environmental Health – The following comments have been received:

i. The development should be related to a construction management plan.
ii. The proposed waste management arrangements are acceptable and should be conditioned to the development.
iii. The appropriate provision of EV charging points should also be conditioned.

Flood Risk Management Team - The site is in Flood Zone 1 with low risk of surface water flooding. The change of use would not result in a change in Flood Risk Vulnerability Classification and the development would not need to be supported without a requirement for drainage mitigation measures.

Greater Manchester Police Design for Security – It is noted that the layout has changed since the preparation of the submitted crime impact statement (CIS), in relation to the configuration of apartments and since the preparation of the CIS. However, the number of apartments remains at 11 and the principles of the CIS continue to be relevant. It is recommended that a condition requiring secure by design accreditation based on the implementation of the recommendations and physical security specifications of the CIS.

Greater Manchester Ecology Unit – The following comments have been received based on the submitted bat survey:

i. The building was found to have low potential for roosting bats, and 1 activity survey was undertaken in September 2023. While this is outside the optimal survey period for bat surveys to detect roosts such as maternity roosts, the building was judged not to be suitable for such a roost. Warm air temperature was warm (13-15C) were recorded at the time of the survey and

bats were observed in the wider survey area. Based on the findings of the submitted survey are accepted.
ii. No bats or evidence of roosting bats was found during the survey work. Although, no further surveys are required prior to the determination of the application but will be required, if following the granting of planning permission, the implementation of the development is not implemented with 12 months of the issued decision, i.e., findings of the survey results are valid for 12-18 months.
iii. All buildings have potential to support nesting birds, and the nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended). A condition is requested stating: Work to be implemented as part of the development (including partial demolition and building conversion) should be undertaken outside the main bird nesting season (March - August inclusive) unless otherwise demonstrated that no active bird nests are present.
iv. An informative is recommended advising of legal protection of certain species and that the granting of planning permission does not negate the need to abide by laws protecting biodiversity. If at any time any protected species are found or are suspected of being present on the site and adversely affected by the development, work should cease immediately, and an ecologist/LPA should be contacted.
v. Any new external lighting must be designed in line with best practice guidelines (e.g. https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting) to avoid impacts on nocturnal animals such as bats.
vi. Biodiversity enhancements should be delivered as part of this application and can include use of wildlife friendly species in the landscape plan or addition of bat/bird boxes to the building.

CADENT - No objection but detailed comments have been issued regarding safeguarding gas infrastructure. These details have been included as an informative and forwarded separately to the applicant's agent.

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 have been considered in relation to the current application. 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, it is important that: a sufficient amount and variety of land can come forward where it is needed; the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. Consideration should be given to the size, type and tenure of housing required by different groups in the community. It requires support for the development of entry-level exception sites suitable for first time buyers. In this case, it is considered that the proposed development would positively contribute to the quality, diversity and supply of housing in the local area and secure a new and sustainable use for and unused building. 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. It is considered that the development would achieve satisfactory natural surveillance. The implementation of measures specified in the submitted crime impact statement would deliver appropriate security and reductions to the risk of crime. On this basis it is considered that development would be satisfactorily related to section 8.

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;
b) Safe and suitable access to the site can be achieved for all users; and
c) Any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree.

The application site is located in a sustainable location in terms of the proximity of local services and public transport. Proportionate car parking would be provided with satisfactory arrangement for cycle storage. On balance it is considered that section 9 would be positively accorded with.

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. It also encourages the use of previously developed or 'brownfield' sites. It is considered that section 11 would o be positively responded to by securing the re-use of an existing building with the incorporation of appropriate layouts. The development would thereby be satisfactorily related to section 11.

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 reconfiguration of the roof, limited extensions and elevational alterations would deliver an appropriate and coherent design would be delivered that would improve the appearance of the building. Section 12 would thereby be accorded with.

vi. Section 14: Meeting the challenge of climate change, flooding and coastal change. It is considered that the site responds positively to chapter 14, through the incorporation of design techniques that reduce the potential for carbon emissions and the benefits of a location that is not vulnerable to flood risk. Section 14 would thereby be accorded with.

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 is relevant to key planning issues of significance to applicants and local authorities. The assessment of the proposed development has been related to the following aspects of the PPG:

i. Consultation and pre-decision matters
ii. Design
iii. Flood Risk Planning and Flood
v. Health and well-being
v. Noise

The core principles and policy guidance contained within the National Planning Policy Framework and Planning Practice Guidance have been directly related to the assessment of the potential impact of the development on residential amenity. Particular consideration has been given to the benefits of delivering a sustainable housing development and measures to secure appropriate noise attenuation and waste management. The above principles have been appropriately accorded with for the reasons set out below.

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 all development in Manchester should meet high standards of urban design. Opportunities for good design, which enhance the overall image of the city should be fully realised. In this case, it is considered that the applicant has positively responded to the requirements of policy EN1 by introducing limited additions at first floor level, lowering the roof height and proportionate interventions to the original building that improves its character and appearance. Policy EN1 would thereby be accorded with.

Policy EN4 (Reducing CO2 Emissions by Enabling Low and Zero Carbon Development) – As stated the development would facilitate the retention of an existing building, thereby retaining its embedded energy and limiting materials and resources to the implementation of its conversion. Its energy performance would be improved through compliance through the installation of new windows and measure to secure its insulation. The development would thereby be appropriately related to policy EN4.

Policy EN 14 (Flood Risk) - States that in line with the risk-based sequential approach, development should be directed away from sites at the greatest risk of flooding and towards sites with little or no risk of flooding. The application sites located in Flood Zone 1 and there is not a specific requirement for specific drainage in respect of the development.

Policy EN15 (Biodiversity and Geological Conservation) - States, amongst other things, that the developers will be expected to identify and implement reasonable opportunities to enhance, restore or create new biodiversity, either on-site or adjacent to the site. Policy EN15 has been Positively responded to through a condition to ensure the implementation of the development in accordance with a submitted bat survey. A separate condition would also secure the provision of bat and bird boxes to enhance local biodiversity. The loss of a leylandii tree is justified, on balance, due to its disproportionate scale within the site.

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 to secure compliance with policy EN19.

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 an appropriate mix of housing tenure. It is considered that the development has been satisfactorily related to these objectives.

Policy H 5 (Central Manchester) - States that Central Manchester, over the lifetime of the Core Strategy, will accommodate around 14% of new residential development. Notwithstanding priority for family housing provision in this area, the development would deliver the conversion sustained operation of an unused building thereby positively contribution to the local housing supply. Policy H5 would thereby be appropriately responded to.

Policy T1 (Sustainable transport) – Relates to the delivery of sustainable, high quality, integrated transport system and a modal shift away from car travel to public transport, cycling and walking and preparation for carbon free modes of transport. In this case, the development would be supported with satisfactory car parking provision and arrangements for cycle storage. The site is in a sustainable location with access to local bus routes. The development thereby responds positively to policy T1.

Policy DM1 (Development Management) - States that all development should have regard to the following specific issues:

a. Appropriate siting, layout, scale, form, massing, materials and detail;
b. Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development;
c. Effects on amenity, road safety and traffic generation;
d. Accessibility in relation to inclusive access for people with disabilities and access via 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.

Policy DM1 points a - h (inclusive) have been related to the assessment of the proposals regarding its potential impact on residential amenity and the contextual relationship of the development to the surrounding built environment. Given the nature of the building and its context amenity space would not be delivered but the site benefits from an adjacent area of communal open space. Traffic generation would be predictable of traffic generation offset by cycle storage and access to public transport. Appropriate internal space would be provided along with arrangement for waste management. Policy DM1 would thereby be accorded with.

Unitary Development Plan (Saved UDP) Policies -The following saved Unitary Development Plan policy is also considered to be relevant:

Policy DC7 (New Housing Development) - States that the Council will negotiate with developers to ensure that new housing is accessible at ground floor level to disabled people, including those who use wheelchairs, wherever this is practicable. In this case, the constraints of the site would prevent the formation inclusive access throughout the development by a condition has been included to ensure to its delivery where appropriate.

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.

Manchester Residential Quality Guidance - Sets out the direction for the delivery of sustainable neighbourhoods of choice where people will want to live and also raise the quality of life across

Manchester. The guidance states that the delivery of high-quality, flexible housing will be fundamental to ensuring the sustainable growth of Manchester. It is therefore essential for applicants to consider and integrate the design principles contained within the guidance into all aspects of emerging residential schemes. In this case, the application of the guidance has been affected by the constraints of the application building. However, the development would deliver appropriately sized apartment that accord with the criteria relevant to the proposed apartment sizes as set out in the guide. It is also considered that the quality of the urban design respond positively to the guidance.

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 and the applicants (through their appointed representatives) engaged in pre-application discussions regarding the parameters and magnitude of the development. Discussions were undertaken during the consideration of the planning application regarding the internal and external layout the development and to ensure that issues of security and crime reduction were appropriately responded to. A satisfactory assessment of the development has been undertaken based on the submitted and supplementary details.

Principle of the development - An internet search indicates that former public house use ceased in 1996 and residential occupation was in place in 2011. In these circumstances, it is considered that the re-introduction of the public house use is unlikely. The principle of the development is considered to be acceptable as it would deliver a contribution of local housing supply and secure a sustainable use for building that otherwise would fall into disrepair.

Future use of the apartments - A condition has been included for purposes of clarity and to confirm that the authorised development relates to the formation of 11 apartments (Class C3). A separate condition has been included to facilitate the appropriate future use and management of the authorised apartments limiting their future occupation to Class C3 (a) not precluding occupation by two unrelated people sharing a property. This condition is considered necessary to secure the appropriate management of the apartments.

Residential space standards – The development has been assessed against the relevant criteria within the MRQG criteria for 1 bedroom, 1 person and 2 bedroom, 3 person occupation. The relevant space criteria would be met or exceeded for each apartment. The mix of 5 x one bedroom and 6 x two bedroom apartment would be satisfactory given the constraints and configuration of the application building. The development would improve the appearance of the existing building, contribute to the quality of local housing. It would also represent a sustainable development, in terms of re-use of existing space and its location and relationship to public transportation links. The proposed development would thereby positively contribute to sustainable growth in Manchester and thereby respond positively to the Manchester Residential Quality Guidance.

Residential amenity – The development would bring the currently vacant building back into active use and would thereby address reported incidences of anti-social behaviour and vandalism. The refurbishment of the building would also improve the appearance of the building and its relationship to the locality. Where the extension is brought into closer proximity the existing houses to the north of the site obscured glazing has been conditioned. The glazing requirement of the CIS (relating to the northern boundary) would also help to safeguard residential privacy and amenity. Within other elevation windows would be positioned to be to avoid overlooking and where appropriate obscurely glazing. The internal layout would secure appropriate space, which would encourage sustained occupation. A condition requiring

appropriate attenuation against noise transfer between apartments has been included. Based on the above, it is considered that issues relating to residential amenity.

Siting – The development would reduce the overall height of the building to reduce the bulk and massing of the proposed extension through the formation of a flat roof. At first floor level, the extension to the north elevation would align with the existing building and to the south the first floor addition would align with the ground floor configuration. The extended northern elevation maintains 10.13 metres to the nearest neighbouring housing thereby changing the relationship of the building to rear windows to 7 and 9 Wadesmill Walk. The inclusion of obscured glazing withing the proposed elevation would offset potential harm. The impact of the siting of the development has been balance with the positive benefits of the development and considered to be acceptable. The introduction of new built form to the first floor eastern and southern elevations and directed towards adjacent open space (thereby reducing the potential for overlooking of neighbouring housing).

Scale and massing – As stated the overall height of the roof would reduce in height with the formation of a flat roof being related to eth existing eaves level. The graduation of height and the punctuation of window openings would relieve the massing of the development. On balance, the development would be proportionate and appropriate.

Design – The proposed design has been informed by the characteristic flat roof elements to the building thereby delivering a coherent elevation treatment toe the building. The retention of spaces across ground floor flat roofs and ‘blocked’ arrangement of built form would give articulation to the building. Further definition would be provided by the application of contrasting fascia and render in the elevational composition. The solidity of the building would be relieved by the formation of floor to ceiling windows and glazed doors. The proposed design would improve the appearance of the building and its relationship to the streetscene.

Crime and security - It is considered that the development would maintain appropriate natural surveillance. The arrangement of railings adjacent to the eastern elevation aid security and define the public and private realm. The submitted CIS has been related to the development by condition to ensure appropriate security and crime reduction measures. A condition has also been included to improve the appearance of the site boundary and gates to the street and car parking areas. It is considered that appropriate site security can be delivered.

Boundary treatment – Although the car parking area has been demarcated will fencing, the details will need to be supplemented to meet the requirements of the CIS and the related secured by design condition. Therefore, a condition has been included to ensure the implementation of fencing, gates and railings to an agreed appearance and specification.

External lighting – A condition has been included to manage undue glare form light installed as part of the development.

Inclusive access – Given the available space adjacent principal apartment entrances in the western elevations, it is considered that the provision of level thresholds can be delivered as part of the development. A condition has been included to ensure the delivery of these measures, which combined with the layout of ground floor apartments, would secure appropriate inclusive access.

Reducing carbon emissions and sustainable design - The development would secure a sustainable use for an existing building. The building would be refurbished to building regulations standards thereby improving its environmental performance. Its location in relation to public transport and cycle provision would reduce reliance on private car usage. It is

considered that the development would achieve carbon reductions proportionate to the conversion of an existing building.

Car parking, servicing and highways issues – The submission indicates that the existing parking area has the capacity to accommodate 14 cars. However, it has not been demonstrated that the configuration would facilitate appropriate access and egress to the spaces or deliver appropriate manoeuvrability. The proposed layout demonstrates that the spaces could be accessed and egressed and an inclusive space for use by people with disabilities would be provided. The reduction in car parking spaces would facilitate the provision of bin storage enclosure. A cycle storage enclosure (with a capacity for 12 cycles) would also be formed within the car park. Pedestrian routes through the car park have been indicated. As the site is in a sustainable location in terms of proximity of the city centre and access to public transport, and the proposed level of car parking and would be appropriate. Servicing of the site by refuse vehicles would be undertaken via Justin Close. It has been demonstrated that the servicing vehicle would be capable of reversing into Justin Close to undertake collections. This arrangement would be acceptable given the low levels of traffic movement on Jusitn Close.

Cycle storage – The development would be supported with 12 cycle storage spaces and this provision has been conditioned to the development. Although the cycle storage would be sheltered, it is not considered that the security arrangements would be satisfactory. A condition has there been included to ensure the approval and implementation of the required details.

Ecology – A condition has been attached to the development requiring that the development is implemented in accordance with the submitted bat survey, including the requirement that further survey are undertaken if the development is not implemented within 12 months of the issued decision. An informative has been included to advise of requirements should bats be encountered upon implementation of the development.

Bio - diversity - In response to the previous recommendations of GM Ecology Unit, a condition has been recommended to secure a positive contribute to local bio-diversity through the provision of bird and bat boxes.

Removal of a tree – The development would involve the loss of an overly large leylandii tree and two smaller leylandii tree sited adjacent to the western boundary. These trees are considered to have low amenity value and would compromise the delivery of appropriate car parking and the future operation of the development. Given the constraints of the site, the impact of the larger tree and the need to secure bin and cycle storage, the loss of the tree is considered to be appropriate. The provision of landscaping with the car parking area would not be deliverable. The site would still benefit from street trees within the public realm. A condition has been included to ensure that the removal of the tree is not undertaken during bird nesting season unless the absence of bird habitats is demonstrated by a specialist.



Fig.7 – Trees within the application site

Waste management - The applicant has demonstrated that the site has the capability and capacity to accommodate the following waste and recyclable material, which accords to current City Council guidance. It would be located within an enclosure within the car park. The submitted proforma incorporates the following bin capacities:

General refuse: 2 x 1100 litres
Pulpable: 1 x1100 litres
Mixed: 1 x1100 litres
Food: 1 x 240 litres

The specification of the submitted bin enclosure will need to be amended to reflect the specification of the waste proforma. A condition has been included to ensure the approval of the design and capacity of the bin enclosure. Based on the above, it is considered that appropriate waste management would be achieved.

Noise attenuation – To avoid undue noise transfer to, from and between the proposed apartments, a condition to secure appropriate acoustic attenuation has been included. The condition also requires noise attenuation against noise from any other identified noise sources. It requires implementation of agreed measures before the occupation of the development and retention thereafter.

Construction Management Plan (CMP) – Given the limited amount of deconstruction works and relatively small amount of new built form, it is considered that a comprehensive CMP would be an onerous requirement. The impact of construction works would also be mitigated by the uses of the car parking as a site compound. The development would not involve ground excavation and hard surfacing would be retained. The risk of mud and debris on the highway would thereby be reduced. A condition has been included to ensure that all waste material is stored with the site prior to removal and, when removed, contractors' vehicles are sheeted upon completion of loading to avoid dispersal of debris on to the highway. An informative has been included advising of the requirements for the erection of scaffolding on the public realm. It is considered that the above arrangement would be appropriately related to the scale of 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 would be appropriate, proportionate and suitably related to the predominant residential 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 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

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 and the applicants (through their appointed representatives) engaged in pre-application discussions regarding the parameters and magnitude of the development. Discussions were undertaken during the consideration of the planning application regarding the internal and external layout the development and to ensure that issues of security and crime reduction were appropriately responded to. A satisfactory assessment of the development has been undertaken based on the submitted and supplementary details.

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 local planning authority on 7 July 2023, 5 September 2023 and 7 November 2023:

Planning application forms
Site location and block plan Ref: DA22064.1 001
Proposed GA plans Ref: DA22064.1 004 Rev 2
Proposed elevations Ref: DA22064.1 005
Existing and proposed landscape plan Ref: DA22064.1 006 Rev 2

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 and external hard surfaces 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, EN1 and DM1 of the Core Strategy for the City of Manchester.

4) The planning permission hereby granted relates to the formation of: 5 x one bed, 1 person apartments and 6 x two bed, 3 person apartments (11 apartments in total) (Class C3) and a caretakers store (first floor) as shown on the approved drawings.

Reason - For the avoidance of doubt and in the interests of residential amenity, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

5) 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 principal entrances of ground floor apartments (A-G inclusive), 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.

6) Before the occupation of the development, a scheme of acoustic attenuation shall be submitted to and approved in writing by the City Council as local planning authority to safeguard against noise transfer to, from and between the authorised basement apartments and reduce harmful noise and disturbance from any other identified noise sources. The approved scheme shall be implemented before the occupation of the basement apartment and retained in situ thereafter.

Reason - To secure a reduction in noise transfer to, from and between the authorised basement apartments and reduce harmful noise and disturbance from any other identified noise sources, 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.

7) Before the occupation of the authorised development, details of the design and appearance of the bin store as on drawing referenced: Existing and proposed landscape plan Ref: DA22064.1 006 Rev 2 shall be submitted to and approved in writing by the City Council and local planning authority. The approved details shall achieve bin storage capacities specified in the waste management pro foma attached to Debtal Architecture Ltd email dated 12 October 2023 and 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.

8) Before the occupation of the authorised development, details of the design and appearance of the cycle store as on drawing referenced: Existing and proposed landscape plan Ref: DA22064.1 006 Rev 2 shall be submitted to and approved in writing by the City Council and local planning authority. The approved details shall achieve storage capacity for 12 cycles and 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.

9) Before the occupation of the development, car parking areas and pedestrian routes shown on drawing referenced: Existing and proposed landscape plan Ref: DA22064.1 006 Rev 2 shall be surfaced and made available for use. The car parking spaces shall be maintained in situ prior to the occupation of the authorised houses and remain in situ thereafter.

Reason - In the interest of residential amenity and pedestrian and highways safety, pursuant to policies SP1, T1, T2 and DM1 of the Core Strategy for the City of Manchester and the National Planning Policy Framework.

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 appearance and specification of an electric vehicle charging points, as shown on drawing ref: Existing and proposed landscape plan Ref: DA22064.1 006 Rev 2, including cabling routing and confirmation

of a minimum charging capacity of 7kwH. The approved scheme shall be fully implemented in accordance with the agreed details (including the timescale for its installation) and maintained in situ at all times thereafter.

Reason - In the interests of residential amenity and the contribute to the reduction of carbon emissions and improve air quality, pursuant to policies SP1, EN16 and DM1 of the Core Strategy for the City of Manchester and the National Planning Policy Framework.

11) The development shall be designed and constructed in accordance with the recommendations contained within sections 3.3 and 4 of document referenced: Crime Impact Statement:2023/0096/CIS/01 Version A dated 9 May 2023 by GMP Design for Security, including recommendations of glazing within the northern elevation relating to apartments A and B. The development shall only be carried out in accordance with the approved details and occupation shall not commence until the City Council as local planning authority has acknowledged, in writing, that it has received written confirmation of 'Secured by Design' accreditation.

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.

12) 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 design, specification and colour treatment of fencing, gates and railings. The approved details shall be implemented upon occupation of the development and maintained in situ thereafter.

Reason – In the interests of residential amenity and 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.

13) Before the commencement of above ground construction works, a drawing shall be submitted to and approved in writing by the City Council as local planning authority relating to the design and glazing specification of windows in the first floor northern elevation to apartments H and L. Development shall only be implemented in accordance with the approved details, which shall be retained in situ at all times thereafter.

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

14) Before the occupation of the development windows to bathrooms as so indicated on the approved drawings ref: Proposed GA plans Ref: DA22064.1 004 Rev 2 Proposed elevations Ref: DA22064.1 005 shall be obscure glazed to 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.

15) The development shall be implemented in accordance with document referenced Dusk Survey Results 1 Justin Close Manchester M13 9WX dated 10 October 2023. If the development is not implemented within 12 months of the planning permission hereby granted, further bat survey shall be submitted to and approved in writing by the City Council as local

planning authority before the commencement of the development. The development shall be implemented in accordance with the agreed recommendations of the bat survey.

Reason - To safeguard protected species, habitats, local biodiversity and nature conservation, pursuant to policy EN15 of the Core Strategy for the City of Manchester.

16) Before the occupation of the authorised apartments, a scheme to encourage biodiversity within the application site shall be submitted to and approve 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.

17) No removal or other work to trees and or hedges shall be undertaken in the main bird breeding season (March to July inclusive), unless nesting birds are found to be absent, by a suitably qualified person.

Reason - To safeguard local bio-diversity and nature conservation, pursuant to policy EN15 of the Core Strategy for the City of Manchester.

18) Upon commencement of demolition and construction works, all waste material shall be stored with in the application site whilst awaiting removal for disposal elsewhere. When removed, contractors' vehicles shall be are sheeted upon completion of loading and prior to departure from the site to avoid dispersal of debris and waste material onto the highway. These arrangements shall be undertaken through the construction phase of the development.

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.

19) Before its installation, any external lighting required in support of the development shall be related to a scheme to be submitted to and approved in writing by the City Council as local planning authority. Lighting shall only be installed in accordance with the approved scheme and maintained in situ unless any lighting installed as part of the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority is harmful to adjoining and nearby residential properties. In such circumstances and within 14 days of its written request, a scheme for the elimination of glare and/or light spillage shall be submitted to and approved in writing by the Council as local planning authority. The approved scheme shall be implemented to a timescale agreed with the City Council as local planning authority and maintained in situ thereafter.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

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 is advised that any requirements for licensing, hoarding / scaffolding, building maintenance 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) Cadent – No objection. However, it is advised that plans identifying Cadent gas assets in the area prior to the commencement of works. If the development potentially affects a high-pressure pipeline it is a statutory requirement that details be inputted into the HSE's Planning Advice Web application via www.hse.gov.uk/landuseplanning/planning-advice-web-app.htm

The HSE may wish to apply more stringent criteria for building proximity after assessment. Please ensure that you formally consult with the development proceeds.

In order to help prevent damage to Cadent asset/s, please be aware of the following informative

i.- Noise attenuation assessment to be noted for awareness if habitable buildings in close proximity near to the AGI.
ii. IMPORTANT Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.
iii. The original holding objection was triggered due to the presence of a High-Pressure Major Accident Hazard Pipeline (MAHP) and/or an Intermediate Pressure Pipeline and/or an Above Ground Installation.

Cadent Gas has a MAJOR ACCIDENT HAZARD PIPELINE in the vicinity (indicated in orange on related drawings) N/A
Cadent Gas has a INTERMIDIATE ACCIDENT HAZARD PIPELINE in the vicinity,(indicated in green on related drawings) Manchester 7bar
Specific AGI BPD N/A
THE BPD (BUILDING PROXIMITY DISTANCE) IS 3M
(The building proximity distance taken from the Institution of Gas Engineers and Managers publication IGEM/TD/1 Edition 5 which is the standard applicable to steel pipelines and associated installations for high pressure gas transmission and IGEM/TD/3 Edition 5 Steeland PE pipelines for gas distribution.)
iv. Responsibilities and obligations

This advice does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent 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 were prohibited by the law nor does it supersede the express terms of any related agreements.

For further information, please contact plantprotection.nw@cadentgas.com

4) Habitat safeguarding – Certain species receive legal protection, and the granting of planning permission does not negate the need to abide by the laws protecting biodiversity. If at any time any protected species are found or are suspected of being present on the site and adversely

affected by the development, work should cease immediately, and an ecologist/LPA should be contacted.

5) Any new external lighting should be designed in line with best practice guidelines (e.g. https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting) to avoid impacts on nocturnal animals such as bats.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police
Greater Manchester Ecology Unit

Community Centre, Justin Close, Manchester, M13 9UB
71 Grosvenor Street, Manchester, M13 9UB
13 Wadesmill Walk, Manchester, M13 9UX
40 Hanworth Close, Manchester, M13 9UU
32 Hanworth Close, Manchester, M13 9UU
4 Stockland Close, Manchester, M13 9WY
8 Stockland Close, Manchester, M13 9WY
2 Stockland Close, Manchester, M13 9WY
Dobbins Brewery, 1 Justin Close, Manchester, M13 9WX
9 Wadesmill Walk, Manchester, M13 9UX
8 Wadesmill Walk, Manchester, M13 9UX
7 Wadesmill Walk, Manchester, M13 9UX
6 Wadesmill Walk, Manchester, M13 9UX
5 Wadesmill Walk, Manchester, M13 9UX
3 Wadesmill Walk, Manchester, M13 9UX
11 Wadesmill Walk, Manchester, M13 9UX
1 Wadesmill Walk, Manchester, M13 9UX
34 Hanworth Close, Manchester, M13 9UU
36 Hanworth Close, Manchester, M13 9UU
42 Hanworth Close, Manchester, M13 9UU
44 Hanworth Close, Manchester, M13 9UU
46 Hanworth Close, Manchester, M13 9UU
6 Stockland Close, Manchester, M13 9WY
38 Hanworth Close, Manchester, M13 9UU
9 Justin Close, Manchester, M13 9WX

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA