

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134333/P20A/2022

Date registered valid: 14 July 2022

Proposal: Prior approval for the addition of a two-storey roof extension to the existing student accommodation to provide 8 no. additional flats

Address: Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ

Ward(s): Fallowfield Ward

Applicant: Mr Rafal Kupis, BARAF M&E Services Craven House, 40-44 Uxbridge Road, London, W5 2BS

Agent (if any): Mr Peter Noble, AAD Architects, 11 & 12 South Street, Park Hill, Sheffield, S2 5QX

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 30 August 2022

Application details

Type of application: Prior approval - new dwellings to flats

Development type: Notifications

Date of site visit: 27 July 2022

Standard consultations:

Printed: 25 July 2022 Expired: 15 August 2022

Neighbour notifications

Printed: 25 July 2022 Expired: 15 August 2022

Site notice

Posted: 27 July 2022 Expired: 17 August 2022

Press advert

Published: 2 August 2022 Expired: 23 August 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site relates to 4 storey building (Beechwood Gardens) currently in use as purpose-built student accommodation comprising a total of 60 bedrooms.

The building occupies an end terraced position and is of predominantly red masonry construction with contrasting grey window headers and cills.

The building incorporates enclosed front and rear yard areas, the rear yard of which opens out onto the head of cul-de-sac along Evelyn Street.



To the rear of the building, running parallel with Evelyn Street and the Fallowfield Loop, is linear car park for up to 20 cars, be accessed off Evelyn Street.

The building includes a various roof pitches, with a small central gable feature to the front of the building and a large, side gable roof which fronts onto the terminus of the cul-de-sac at the rear

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

With the exception of a small number of local shops at ground floor level within the host terrace, the immediate area is predominantly residential in character, comprising a mixture of terraced and semi-detached dwellinghouse, houses in multiple occupation, purpose-built flats and student accommodation ranging predominantly from two to three storeys in height. A large proportion of the accommodation in the area is occupied by students associated with the nearby universities.

Immediately to the south, the site adjoins a former railway line, which now forms part of the Fallowfield Loop – an off-road footpath and cycle path and forms part of the national cycle network which connects parts of the city. This occupies a sunken position adjacent to the site.

Opposite the site to the west, on the opposite side of Ladybarn Lane, is the rear of Sainsburys supermarket and its associated surface level car park. Beyond this lies Fallowfield district centre.

Description of development

Prior approval is sought for the addition of a two-storey roof extension to the existing student accommodation to provide 8 no. additional flats involving 4 flats (2 x 3 bedroom and 2 x 1 bedroom flats) to each floor.

The application as originally submitted also included a flat to the lower ground floor, but this has been since been omitted from the proposal through the submission of revised drawings.

The proposed upward extension would create a 6 storey building involving the full footprint of the existing structure. The new extension is proposed to be clad with vertically hung roof slates in contrast to the existing masonry. The proposed roof would be flat, replacing the current pitched roof.

No additional off-road parking is proposed.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Aerodrome Safeguarding – No objection.

Flood Risk Management - The site is within Flood Zone 1 with very low risk of surface water flooding. The proposal does not increase the footprint and is less than 10 dwellings.

Environmental Health – Conditions are recommended in relation to construction management, acoustic insulation, external equipment and waste management.

Highways Services – It is noted that the site is currently being used as student housing and it is understood that this will continue. Comments are summarised below.

Trip Generation

Given that the proposed development is resultant in nine additional student apartments, and therefore due to the nature of the site the number of vehicular trips associated with site is expected to be minimal. It is therefore accepted that the adjacent highway network can facilitate such additional demands with no highway safety or capacity concerns.

Accessibility

The site is well accessed by sustainable modes. Regular bus services are routed along Lindleywood Road and provide connections to The Trafford Centre, Newton Heath, Gorton and Openshaw. Further bus stops are in place on Wilmslow Road and provide connections to Sale, North Reddish, East Didsbury, West Didsbury, Manchester Airport, Stockport, Handforth Dean, Piccadilly Gardens and Ancoats.

The closest Metrolink facility is located at Withington and provides connections to East Didsbury, Rochdale Town Centre and Shaw & Crompton.

The closest railway facility is located at Mauldeth Road and provides connection to Liverpool, Crewe, Manchester and Wilmslow.

The site is also within close proximity of the Fallowfield Loop.

Parking and Access

There is no on-site car parking associated with the development and as such, all vehicular demands associated with the site are anticipated to contribute to the level of vehicles parked on-street. Highways acknowledge the nature of the site and the occupations in addition to the site's location, the nature of the site and proximity to sustainable travel offer. However, there is some concern with the limited parking opportunities in the area due to existing parking restrictions and on-street parking.

It is requested that 100% cycle parking is in place on-site and a robust Travel Plan is developed and monitored.

Cycle Parking

In line with MCC Residential Guidelines, secure and sheltered cycle parking provision should be made. Highways requested that 100% cycle parking is in place for the development. It is requested that any visitor cycle parking is secure and sheltered.

Boundary Treatment

It is recommended that all fencing / railings adjacent to the adopted highway are visually permeable from a distance of 600mm upwards to ensure adequate visual permeability for child pedestrians.

The applicant should be advised that all gated accesses will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway.

Refuse and Servicing

It requested that information regarding the bin store and collection is submitted for comment.

Travel Plan

It is recommended that the development has a Travel Plan in place prior to the occupation of the extension.

Construction Management

A Construction Management Plan should be provided by the applicant prior to any construction works beginning.

Planning History

046753/FO/CENTL2/94

Erection of a 4-storey building (and basement level) to form 60 bed student accommodation with parking for 20 cars off Evelyn Street after demolition of existing. *Approved 11 May 1995.*

Policy

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027.

'The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies within the Core Strategy are considered relevant:

Policy SP1 (Spatial Principle) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 (Development Management) states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety

and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy EN1 (Design Principles and Strategic Character Areas) - All development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and listed above and have regard to the strategic character area in which the development is located. Opportunities for good design to enhance the overall image of the City should be fully realised, particularly on major radial and orbital road and rail routes.

The Guide to Development in Manchester (SPD) (2007)

The Guide to Development in Manchester is a supplementary planning document which contains core principles to guide developers. The document offers design advice and sets out the City Council's aspirations and vision for future development and contains core principles to guide developers to produce high quality and inclusive design. The principles that development should seek to achieve, include, character and context, continuity, and enclosure, ease of movement, quality of the public realm, diversity, legibility and adaptability.

National Planning Policy Framework

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

Section 12 'Achieving well-designed places' states at paragraph 130:

Planning policies and decisions should ensure that developments:

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

Paragraph 134 goes on to state that:

'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.'

Issues

Procedural

Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) relates to new dwellinghouses on detached blocks of flats.

Class A relates to new dwellinghouses on detached blocks of flats. Paragraph A in particular refers to 'Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats'

Within the conditions section at paragraph A.2 (6), the legislation states further that 'Any new dwellinghouse created under Class A is to remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse'.

As the existing building is purpose-built accommodation (*sui generis*) and the additional storeys and associated flats would also be used for such purposes, it follows that the prior approval procedure is not applicable on this occasion. The existing and proposed flats are not dwellinghouses by definition of Class C3 and therefore the upward extension would require planning permission.

Scale and Visual Amenity

The proposed additional two storeys would increase the scale of the building from 4 to 6 storeys in height and would create the highest building along Ladybarn Lane and the immediate area.

Neighbouring buildings range from two to three storeys in height, including three storey (including roof dormers) terraced dwellinghouses to the rear of the site along Evelyn Street.

Paragraph A.2 (1) of the conditions section of the relevant legislation states that:

Where any development under Class A is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to:

- (a) transport and highways impacts of the development;*
- (b) air traffic and defence asset impacts of the development;*
- (c) contamination risks in relation to the building;*
- (d) flooding risks in relation to the building;*
- (e) the external appearance of the building;*
- (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;*
- (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light; and*
- (h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012200 issued by the Secretary of State, and*
- (i) where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building; and*
- (j) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building'.*

In this case, sub paragraphs e and g are of particular relevance.

It is considered that the exterior appearance of the building and the resultant impact to the amenity of neighbouring premises would be unduly harmful.

It is maintained that the additional scale would form an overly large structure that would dominate the immediate surroundings and would appear intrusive and out of character within the street-scene.

The increased scale would be accentuated by the use of a contrasting cladding material to the upper two floors, as well as by the flat roof design.

At present, the existing roof incorporates various roof pitches which help minimise the impacts of scale by allowing for a greater perception of openness and visual relief, permitting views of the sky between gaps in the roof. This roof design helps lessens the effects of the scale and mass of the existing building, which at 4 storeys high, is already of a greater scale than the immediate context.

The infilling of the roof areas, loss of gable roofs and the addition of a flat roof would create an overly bulky structure which would unbalance the appearance of the host terrace, whilst creating a highly dominant building, out of keeping with the streetscape. The effects would be particularly harmful to the neighbouring occupiers to the rear along Evelyn Street whose properties would be dwarfed by the resultant structure and would undoubtedly lead to feeling of over-dominance and loss of daylight/sunlight.

It is believed therefore that the additional two storeys would create harmful effects to visual and residential amenity which are not acceptable.

Highway Impact

Whilst Highway Services raise potential concerns surrounding the lack of off-road parking for the total number of bedrooms proposed, it is not believed there would be any significant undue impact in terms of competition for on-street spaces or on-street parking demand.

Given the existing accommodation is occupied by students, car ownership is slow. This was evident by the vacant car park during the Officer site visit.

Due to the accessible and sustainable nature of the site and through effective travel planning and cycle storage provision, it is not considered that the lack of any further off-road parking provision would be significantly harmful.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and

owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Refuse

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

1) The proposal does not meet with the requirements of Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The existing building is authorised for use as student accommodation (*sui generis*) and the additional accommodation proposed is to be used in association with the existing use. As the host building is not a purpose built, detached block of flats for use as dwellinghouses, nor would the additional flats be for use as dwellinghouses, the proposed development does not meet with the legislative provisions of the Order. The proposed roof extension not therefore permitted via the prior approval procedure.

2) Having regard to the relationship of the proposed development with surrounding buildings in the area, the additional two storeys and the consequential increase in the scale of the building would result in an incongruous, over-dominant feature, out of scale and out of character with the surrounding context. As a result, the proposed development would have a harmful impact upon the character and appearance of the area, with negative effects to visual amenity. The proposed development is therefore contrary to the provisions of policies DM1, EN1 and SP1 of the Manchester Core Strategy, The Guide to Development in Manchester (SPD) and the National Planning Policy Framework (NPPF).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Manchester Airport Safeguarding Officer

Room D Flat 16, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room C Flat 16, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room B Flat 16, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room A Flat 16, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room C Flat 15, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room B Flat 15, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room A Flat 15, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room D Flat 12, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room C Flat 12, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room B Flat 12, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room A Flat 12, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room C Flat 11, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room B Flat 11, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room A Flat 11, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room D Flat 8, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room C Flat 8, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room B Flat 8, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room A Flat 8, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room C Flat 7, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room B Flat 7, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room A Flat 7, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room D Flat 4, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room C Flat 4, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room B Flat 4, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room A Flat 4, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room C Flat 3, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room B Flat 3, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room A Flat 3, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room C Flat 14, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room B Flat 14, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room A Flat 14, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room D Flat 13, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room C Flat 13, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room B Flat 13, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room A Flat 13, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room C Flat 10, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room B Flat 10, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room A Flat 10, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room D Flat 9, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room C Flat 9, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room B Flat 9, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room A Flat 9, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room C Flat 6, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room B Flat 6, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room A Flat 6, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room D Flat 5, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room C Flat 5, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ

Room B Flat 5, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room A Flat 5, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room B Flat 2, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room A Flat 2, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room D Flat 1, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room C Flat 1, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room B Flat 1, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Room A Flat 1, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
7B Ladybarn Lane, Manchester, M14 6NQ
7A Ladybarn Lane, Manchester, M14 6NQ
Flat 8, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Flat 16, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Flat 13, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Flat 11, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Flat 9, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Flat 5, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Flat 3, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Flat 1, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
7 Ladybarn Lane, Manchester, M14 6NQ
Flat 15, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Flat 14, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Flat 12, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Flat 10, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Flat 7, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Flat 6, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Flat 4, Beechwood Gardens, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ
Flat 2, Beechwood House, 9 - 11 Ladybarn Lane, Manchester, M14 6NQ

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

Regulation 7 Direction (Control Advert) - Control of To Let Boards (Moseley Road/Ladybarn Lane)

Area Team Boundary - Name: SOUTH AREA