

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133237/FO/2022

Date registered valid: 29 April 2022

Proposal: Change of use from a House in Multiple Occupation to three apartments (1no. x 1-bedroom, 1no. x 2-bedroom, 1no. x 3-bedroom) with associated elevations alterations

Address: 535 Barlow Moor Road, Manchester, M21 8AQ

Ward(s): Chorlton Park Ward

Applicant: Mr Reza Hussain, Prime Properties, 5 Stanton Avenue, West Didsbury, Manchester, M20 2PG

Agent (if any): Mr A Inman, A & S Inman (Designs) Ltd. 24 Grangethorpe Road, Manchester, M41 9HT

Case officer: Linda Marciniak
Tel: 0161 234 4636
Email: linda.marciniak@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 24 June 2022



Application details

Type of application: Full Application Consent
Development type: Minor Dwellings
Date of site visit: 07.06.2022
Standard consultations: Printed: 6 May 2022 Expired: 27 May 2022
Neighbour notifications: Printed: 6 May 2022 Expired: 27 May 2022
Site notice: No site notice has been produced
Press advert: No press advert had been published
Departure from Development Plan: No
Environmental Statement: Not required
Listed building: Not applicable
Conservation area: Not applicable
Tree Preservation Order: Not applicable

Description of site/building

The application relates to a two-storey semi-detached Victorian villa on the west side of Barlow Moor Road in the Chorlton District Centre. The property has a two-storey outrigger at the rear shared with the other half of the semi. There is a two-storey bay on the front elevation and an elevated ground floor with a basement window. There are two windows in the side gable which serve the roof space. The entrance to the property is at the front. What was the front garden is now open and used for parking with bins stored at the side. At the rear is a 16.5-metre-long rear garden that is laid to lawn, and there is a narrow 2-metre-wide passageway at the side of the property giving access to the rear garden. The existing use is described on the application form as a House in Multiple Occupancy. A previous application on the property, which was refused consent in 2021, described the use as 'shared residential housing' (Ref: 130642/FO/2021). There is a semi-mature tree in the rear garden and a steel gate opening onto a gated alleyway off Cranbourne Road.

Description of area

The site lies within Chorlton District Centre close to the junction of Barlow Moor Road and High Lane. There are residential properties to either side, facing across Barlow Moor Road and to the rear separated by the gated alleyway.

Description of development

Change of use from a House in Multiple Occupation to three apartments (1no. x 1-bedroom, 1no. x 2-bedroom, 1no. x 3-bedroom) with associated elevations alterations.

Consultations & Notification Responses

Neighbour notifications – A total of 24no. neighbours were notified of the proposal; one objection was received. Comments:

This proposal is still not fit for approval, as they still have the parking, side access and HMO included.

Please see their earlier rejected application for comparison.

The neighbours in this area have gone to great lengths and expense to increase the environmental value of our gardens, especially in light of recent nearby flooding. To have hard standing to all sides of the proposed development would set us all back, and our properties much more likely to flood. The local wildlife, bats and bees have just this year started to return, so a new car park in the midst of this is bad news for us all. We're concerned about pollution, and having cars idling and manoeuvring so close to our family home where kids play outside is a real concern. We know that the developers are not in a mind to preserve greenery or enhance

environment, as part of their proposal includes removing the only tree they have on their property. I could not see any replanting in their plan to compensate for such a loss.

Furthermore, the property assumes right of access from Cranbourne Road, which the neighbours have already rejected due to traffic concerns. Finally, we need more family houses in Chorlton, not more HMOs. It seems that the property in this application has recently struggled to sell on the market, but this isn't a reason to make a poor development that won't contribute to the area. A better decision for this property would be to do some minor adaptations to return it to a family home, and then if the owners want to sell it, it would be very popular indeed.

Highway Services:

Given its location within the district centre, the site is considered to be suitably accessible by sustainable modes and is in close proximity to a range of public transport facilities including bus and tram.

It is anticipated that the proposals are unlikely to generate a significant increase in the level of vehicular trips therefore they do not raise any network capacity concerns. In relation to proposed vehicle access to the rear of the development from Cranbourne Road, we are advised by our legal team that there is no clear public right for vehicle access to be provided to 535 Barlow Moor Road via the rear alleyway and the proposed parking to the rear is therefore not supported.

For on-site parking to the front of the property, whilst the principle of in-curtilage parking is acceptable, the applicant should verify the dimensions of the driveway. Each driveway space should provide a minimum of 3.0m x 6.0m in line with MCCs standard minimum dimensions. This will be accessed via an existing dropped kerb. It is also recommended that the driveway is fitted with an electric vehicle charging point (minimum 7KW).

In line with MCC Residential Guidelines, secure and sheltered cycle parking provision should be made, within the curtilage of the site, at a provision of one-per-unit.

With regard to waste management, whilst it is noted that bins will be stored to the front and rear, it is not currently clear where they are intended to be collected from. If collection is intended from the rear then the applicant should indicate how this will be managed, particularly with regard to the means of transportation of the bins from the storage area to the proposed collection point.

Detail should be sought from the applicant in relation to any proposed construction or fitout arrangements where there is an impact on the highway. The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Email - highwaylicences@manchester.gov.uk

Environmental Health:

Recommend that the following conditions are attached to any approval.

DEMOLITION/CONSTRUCTION HOURS

Construction/demolition works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:

- Monday - Friday: 7.30am - 6pm
- Saturday: 8.30am - 2pm

- Sunday / Bank holidays: No work

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

REF*

a) Before the development commences a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority.

New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

b) The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health.

*Only the 1 bedroomed flat can have bins of 140L capacity, the other flats will need 240L bins. As there is only 1 garden (not 1 garden per household) and a lot of it is allocated to parking it is unlikely that each flat will need a green bin. 1 for the whole property will probably suffice. Each dwelling will need a food caddy.

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

Issues

Core Strategy

The relevant Core Strategy policies are SP1, H1, H6, DM1

Policy SP1 sets down the spatial principles that will guide development in the City. This includes the creation of neighbourhoods of choice.

Policy H1 identifies a shortage family housing in the south of the City.

Policy H6 says that high density development will only be acceptable as mixed schemes within district centres.

Policy DM1 seeks to protect the amenity of an area from the adverse impact of development. Unitary Development Plan.

Unitary Development Plan Extant policies are: DC26.1 and DC5

Policy DC26.1 sets out the criteria to be considered in determining applications for development and noise. New development is expected to protect existing levels of amenity by avoiding the creation of new sources of noise.

Policy DC5 sets out the criteria to be considered in determining applications for flat conversions. Issues include the standard of accommodation, adequacy of refuse storage and parking and the availability of private amenity space.

Principle

The property the subject of this application could be used as a single-family dwelling. As such the proposal to convert it into flats is contrary to policy H1 (Housing).

Loss of a family dwelling

The proposed development would result in the loss of a property suitable for use by a family and replace it with 3no. flats in a part of the city identified in Core Strategy policy H6 (Housing – South Manchester), as having a shortage of family accommodation. As such the loss of the property to flats would be contrary to City Council policy.

Residential amenity

The proposed conversion of the property to 3no. flats with a capacity to accommodate 3 unrelated households in a 6-bedroom development, would lead to an over-intensification of the use of the site. This would give rise to attendant issues of noise and disturbance for the adjoining occupier at No.533 in particular, due to the comings and goings of the occupiers and any visitors, friends and family, that would have a detrimental impact on their existing levels of residential amenity, contrary to saved UDP policies DC26.1 (Development and Noise) and DC5.1 (Flat Conversions) and to Core Strategy policy DM1 (Development Management).

Access and Parking

The proposed development provides two parking areas. One for 1no. car on the front forecourt accessed off Barlow Moor Road and 2no. in the rear garden accessed from an alley off Cranbourne Road. In terms of the amount of parking proposed, the number of spaces represents 100% parking which complies with the Council's current requirement for one space per dwelling standard.

The rear car parking spaces and access off the Cranbourne Road alleyway may not be implementable however owing to the ambiguous public right of access over the alleyway to the site. The alleyway does permit vehicular access via a one-way in-out system behind Nos.3-13 Cranbourne Road and is controlled by secure key pad which is believed to allow access for the occupiers of that development. Highway Services have raised a concern with this element of the proposal which is not supported by them.

Additionally, the parking arrangements in the rear garden would result in vehicles parked in an area of the site that would create noise and disturbance for the occupiers of the adjoining and adjacent properties (No.533 and 537), due to engine noise, car doors slamming, stereo systems and car headlamps all within close proximity of private garden spaces. This would lead to a loss of existing levels of residential amenity that is contrary to the development plan.

On balance it is considered that the proposed parking arrangements are contrary to saved UDP policies DC26.1 (Development and Noise) and DC5.1 (Flat Conversions) and Core Strategy policies T2 (Accessible Areas of Opportunity and Need) and DM1 (Development Management).

Crime and Disorder

Access to the basement flat is proposed from an entrance reached via a set of stairs at the side/rear of the building. Concern is expressed that the occupiers of this flat would gain access by walking along the length of the side passageway where bins for the development are proposed and with very poor surveillance over this area and the entrance threshold. This is a very poor and inadequate means of access that would put potential future occupiers at risk of

crime or the fear of crime and anti-social behaviour, contrary to saved UDP policy DC5.1 (Flat Conversions) and Core Strategy policy DM1 (Development Management).

Access to the ground and first floor flats is from the front entrance door which presents no security concerns.

Standard of accommodation

The 3no. flats present accommodation that is broadly within the prescribed sizes within Nationally Described Space Standards which require new flatted development to provide 50m², 70m² and 95m² of floorspace for 1, 2 and 3-bedroom flats respectively together with 1, 1.5 and 2-metres of storage space.

Notwithstanding this, the basement flat relies on 2no. lightwells at the front and rear as the only source of light and ventilation into the combined lounge/kitchen at the front and bedroom at the rear. Overall, this represents a poor standard of accommodation which would create a reduced living environment for future occupiers. This would be compounded by the fact of having a vehicle parked in front of the lightwell which would reduce light ingress and lead to potential pollution issues for the occupiers, from car exhausts as well as noise and disturbance from car engines, stereos, and headlights.

Overall, the layout mirrors development above and below. The layout of the first floor flat as existing is not ideal given that a partition wall comes off the front bay window mullion to create an additional bedroom. This arrangement is retained in the present application with the bedroom partially sited over the ground floor lounge thus potentially subjecting future occupiers to noise ingress.

On balance it is considered that should the development be deemed acceptable it would benefit from modification to the layout and that the basement flat is deleted from the scheme as there is little mitigation that would resolve the poor living conditions for future occupiers.

Refuse

The refuse provision has been assessed by Environmental Health who have reported that it is inadequate for the development. The level of waste bins for the 2- and 3-bedroom flats needs to be increased. There is a concern that the level of waste bins that needs to be accommodated within the site would lead to an over-proliferation of waste bins within the curtilage which may conflict with parking and pedestrian access.

Cycle Storage

No provision is made for cycle storage within the curtilage of the site. The rear garden is however sufficiently large to accommodate secure cycle storage which could be conditioned on any approval should the application be considered acceptable.

Air quality

The development includes no measure to improve air quality. However, if the scheme was approvable measures such as EV charging points should be incorporated into the development.

Amenity Space

There is adequate amenity space at the rear of the site.

Conclusion

The proposed development conflicts with Council policies as outlined above and there are no mitigating circumstances which could overcome the areas of concern highlighted to support the application.

Human Rights Act 1998 considerations

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

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Refuse

Article 35 Declaration

The proposal would not improve the social and environmental conditions of the area, nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable, and it is therefore not possible to approve the application. Objections were received on public notification which were taken into consideration during assessment of the proposal.

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

1) The proposal entails the loss of a dwellinghouse that would be suitable for family housing. This is contrary to the Council's aspirations to increase the level of family housing in south Manchester, as set out in Core Strategy policy H6, and the broader Council objective of creating sustainable communities that are neighbourhoods of choice.

2) The proposal makes inadequate arrangements for access and car parking due to reliance on accessing the proposed rear car park from the gated alleyway off Cranbourne Road. Furthermore, the parking arrangements in the rear garden area, would, by reason of its proximity to the rear garden boundaries of Nos.531 and 537 Barlow Moor Road, create a new source of noise nuisance for the occupiers of these properties due to engine noise, in-car stereo systems playing and from doors slamming, to the detriment of residential amenity. This is contrary to saved UDP policies DC26.1 (Development and Noise) and DC5.1 (Flat Conversions) as well as Core Strategy policies T2 (Accessible Areas of Opportunity and Need) and DM1 (Development Management).

3) The proposal would lead to an intensification of the use of the property due to the number of unrelated adults that could occupy the flats (6 bedrooms in total), and the cumulative impact of raised levels of noise and disturbance due to comings and goings, including that of the occupiers and visitors. This would be particularly detrimental to the residential amenity of the occupiers of the adjoining property No.531 Barlow Moor Road, contrary to saved UDP policy DC26.1 and Core Strategy policy DM1.

4) The proposal makes poor and inadequate arrangements for access to the basement flat. Specifically, future occupiers of this flat and their visitors, would be at risk of crime or the fear of crime due to the access along the side passageway where bins are proposed to be stored and due to the basement threshold having very poor surveillance from Barlow Moor Road and neighbouring property windows. contrary to saved UDP policy DC5.1 and Core Strategy policy DM1.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Neighbourhood Team Leader (Arboriculture)
Chorlton Voice

384C Barlow Moor Road, Manchester, M21 8BF
531 Barlow Moor Road, Manchester, M21 8AQ
Flat 2, 3 Cranbourne Road, Manchester, M21 8GE
Flat 1, 3 Cranbourne Road, Manchester, M21 8GE
Flat 5, 3 Cranbourne Road, Manchester, M21 8GE
Flat 6, 3 Cranbourne Road, Manchester, M21 8GE
Flat 8, 3 Cranbourne Road, Manchester, M21 8GE
Flat 7, 3 Cranbourne Road, Manchester, M21 8GE
Flat 3, 3 Cranbourne Road, Manchester, M21 8GE
Flat 4, 3 Cranbourne Road, Manchester, M21 8GE
Basement Flat, 1 Chestnut Avenue, Manchester, M21 8BE
Flat 5, 539 Barlow Moor Road, Manchester, M21 8AQ
Flat 4, 539 Barlow Moor Road, Manchester, M21 8AQ
Flat 3, 539 Barlow Moor Road, Manchester, M21 8AQ
Flat 2, 539 Barlow Moor Road, Manchester, M21 8AQ
Flat 1, 539 Barlow Moor Road, Manchester, M21 8AQ
384B Barlow Moor Road, Manchester, M21 8BF
2 Oak Avenue, Manchester, M21 8BB
539 Barlow Moor Road, Manchester, M21 8AQ
529 Barlow Moor Road, Manchester, M21 8AQ
16 High Lane, Manchester, M21 9DF
1 Chestnut Avenue, Manchester, M21 8BE
537 Barlow Moor Road, Manchester, M21 8AQ
533 Barlow Moor Road, Manchester, M21 8AQ

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
Area Team Boundary - Name: SOUTH

