

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 133635/FO/2022

**Date registered valid:** 7 June 2022

**Proposal:** Subdivision of dwellinghouse (Use Class C3a) to form two dwellinghouses (Use Class C3a) together with elevational alterations and installation of boundary treatment

**Address:** 134 Kenyon Lane, Manchester, M40 9DF

**Ward(s):** Moston Ward

**Applicant:** Mr Rakesh Mistry, m83 Associates Ltd, 187 Water Street, Manchester, M3 4JD

**Agent (if any):** Mr Rakesh Mistry, m83 Associates Ltd, 187 Water Street, Manchester, M3 4JD

**Case officer:** Janine Renshaw-Livesey  
Tel: 0161 234 4555  
Email: [janine.renshaw-livesey@manchester.gov.uk](mailto:janine.renshaw-livesey@manchester.gov.uk)

**Recommendation:** Approve

**Date of recommendation:** 20 July 2022

## **Application details**

**Type of application:** Full Application Consent

**Development type:** Minor Other

**Date of site visit:** 16 June 2022

### **Standard consultations:**

Printed: 9 June 2022      Expired: 30 June 2022

### **Neighbour notifications**

Printed: 9 June 2022      Expired: 30 June 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

## **Description of site/building**

**Listed building:** Not applicable

**Conservation area:** No

**Tree Preservation Order:** No

This application relates to a large two storey double fronted semi-detached property on the south side of Kenyon Lane.

Part of the ground floor has been used as a beauty salon. There is garden area to the front and rear and a stepped access to the front entrance. The area is a predominantly residential area

Consent is sought Subdivision of dwelling house (Use Class C3a) to form two dwelling houses (Use Class C3a) together with elevational alterations and installation of boundary treatment. The submitted plans show each property as having a designated area for storing bins in the rear garden.

### **Site History**

F/AD03771 Illuminated double sided projecting box sign on front elevation of Insurance Brokers.

## **Consultations & Notification Responses**

The occupiers of the surrounding properties were consulted, and no representations were received.

**The Highways Team-** Raised no objection the proposal subject to cycle storage being provided and a condition has been added to the consent. Highways also recommend the gated accesses/doors (except fire doors) will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway. Furthermore, the applicant requires a licensing, hoarding /scaffolding, skips and any associated temporary traffic management arrangements through the means of an informative.

**Environmental Health-**Raised no objection to the proposal subject to a refuse condition being attached to the consent and a restriction to constructions hours being restricted and an informative has been added to the consent.

## **Issues**

Policies

The Development Plan

Manchester's Core Strategy Development Plan Document now forms part of the development plan for Manchester and its policies provide the basis for planning decisions in the City. The Core Strategy replaces a large number of policies in the Unitary Development Plan; however, some of the UDP policies will remain extant until they are superseded by policies in a future.

Development Plan Document.

Policy SP1 - sets out the key spatial principles which will guide the strategic development of Manchester to 2027 and states that outside the City Centre and the Airport the emphasis is on the creation of neighbourhoods of choice. It also sets out the core development principles, including:

creating well designed places, making a positive contribution to health, safety and well-being, considering the needs of all members of the community, and protecting and enhancing the built and natural environment.

Policy H1 - Housing - Proposals for new residential development should contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing population. The design and density of a scheme should contribute to the character of the local area and should include usable amenity space and be designed to give privacy to both residents and neighbours.

Policy H3 - North Manchester

North Manchester, over the lifetime of the Core Strategy, will accommodate around 20% of new residential development. Priority will be given to family housing and other high value, high quality development where this can be sustained. High density housing will be permitted within or adjacent to the parts of North Manchester that fall within the Regional Centre (Strangeways and Collyhurst area) and within Cheetham Hill and Harpurhey district centres as part of mixed-use schemes as well as along high frequency public transport routes

## Principle

The sub division of one large family dwelling house into two smaller units will help support the objectives of policy H3 in terms of meeting the housing growth in the City. North Manchester, over the lifetime of the Core Strategy, will accommodate around 20% of new residential development. Priority will be given to family housing and other high value, high quality development where this can be sustained.

Matters which require consideration are the type of accommodation and appearance of the resulting building. In addition, matters of access, car parking, boundary treatment, waste and impact on residential amenity will be considered.

Each matter will be considered in turn below.

The submitted application is for the subdivision of a two storey end terrace dwelling house (Class C3), including elevational alterations, including amendment to the existing boundary treatment.

The proposal is compatible with the surrounding terraced residential area. The layout of the development would match the immediate context and would therefore appear to be appropriate

### Design

The proposal includes elevational alterations to the front and rear to accommodate separate access into the premises. The modifications in terms of design are considered to be acceptable as the front door replicates the appearance of the existing door, including the architectural brick detailing above. The boundary treatment largely remains the same with the exception of the introduction of a gate and a dividing fence between the properties to the front and rear, full boundary details are required and a condition has been attached to the consent. The elevational alterations do not detract from within the street scene, nor do they detract from the architecture of the host building and therefore, are considered to be acceptable.

### Parking

No parking provision has been provided. The original house did not have off street parking and the proposal when first submitted created two car parking for the second dwelling entering from the highways from the side. This approach was considered to change the character of the development as the immediate area along the row of terraced properties do not have off street parking and the applicant amend the scheme accordingly. Furthermore, highways are satisfied the modest scale of the development is unlikely to generate high levels of additional traffic on the network., therefore, on street car parking arrangements are considered to be acceptable.

### Refuse

A proforma/ Waste Management Strategy was provided. However, due to the estimated volumes and types of waste produced by the development details of internal and external stores for both waste and recycling, including any plans and designs, and the location of the proposed collection point and details of the route the collection vehicle will take. Limited information has been provided, therefore, a refuse condition has been attached to the consent.

### Residential amenity

None of the elevation alteration would impact the occupiers of the surrounding properties in terms of overlooking and no extension would be required to facilitate the residential use. The proposal would marginally increase the activity levels at the site due to potential increase in comings and goings. However, it is anticipated any nominal potential increase of activity will be consistent with activity associated with occupation of a residential dwelling house. Therefore, it is considered that the proposed development would not impact on the occupiers of the adjacent building and on that basis is considered to be acceptable.

### Space Standards

Collectively the gross internal floor space complies with the residential space standards for a two storey dwelling. However, dwelling one is 8 metres squared below the required standard. Dwelling two is 12 metres squared above the required standard. In this instance weight is given to the overall floor space created being compliant and the physical constraints associated with the sub division of the building would not allow equal subdivision and is therefore acceptable.

### Conclusion

The proposal would result in the loss of a the a large family dwelling house despite policy H3 seeks to retain family housing. However, the policy seeks to support and other high value, high quality development where this can be sustained. In this instance the proposal offers an acceptable standard of accommodation in a sustainable location, therefore, on balance the proposal is considered to be acceptable.

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### **Human Rights Act 1998 considerations**

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

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

**Recommendation:** Approve

### **Article 35 Declaration**

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. The proposal is considered to be in accordance with the Development Plan and therefore determined in a timely manner.

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

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:

The Location Plan, P4, P5, P6, P7, and P9, stamped as received on the 28 April 2022, P3 and the Waste Management Plan, stamped as received on the 7 June 2022 and drawing number P2, stamped as received on the 9 June 2022.

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.

3) The development hereby approved shall be constructed and thereafter maintained using the materials detailed in the approved drawings.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Manchester Core Strategy.

4) No part of the development shall be occupied until space and facilities for bicycle parking have been provided in accordance with details to be submitted to and approved in writing by the City Council as local planning authority. The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with policies SP1, T1 and DM1 of the Core Strategy.

5) No development shall commence until a scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council as local planning authority. 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 - To ensure adequate refuse arrangement are put in place for the development pursuant to policies EN19 and DM1 of the Manchester Core Strategy.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a). For the avoidance of doubt, this does not preclude two unrelated people sharing a property.

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

7) Prior to the occupation of the development details including a plan indicating the positions, design, materials and type of boundary treatment to be erected, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and shall thereafter be retained.

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 in order to comply with saved policy E3.3 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

### **Informatives**

1) The applicant is 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](mailto:highwaylicences@manchester.gov.uk)

2) 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

3) Gated accesses/doors (except fire doors) will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway

## **Appendix 1 – List of consultees & neighbours notified**

Highway Services  
Environmental Health

LIGHTBOWNE EVANGELICAL CHURCH, 120 Kenyon Lane, Manchester, M40 9DF  
Oakland Nursing Home, 130 Kenyon Lane, Manchester, M40 9DF  
159 Kenyon Lane, Manchester, M40 9DJ  
3 Bacup Street, Manchester, M40 9HF  
1 Bacup Street, Manchester, M40 9HF  
157 Kenyon Lane, Manchester, M40 9DJ  
1 Chinley Avenue, Manchester, M40 9HT  
136 Kenyon Lane, Manchester, M40 9DF  
17 Oscar Street, Manchester, M40 9DE  
Moston Dental Practice, 155 Kenyon Lane, Manchester, M40 9DJ

## **Appendix 2 – Planning constraints**

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4  
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected  
Coal Authority - Development Low Risk - Name: DEVELOPMENT\_LOW\_RISK\_AREA  
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface  
Historic Landfill Site 250m Buffer -  
Susceptible to Surf Water Flood (Less) -  
Susceptible to Surf Water Flood (Middle) -  
Area Team Boundary - Name: NORTH