

Application Number	Date of Appln	Committee Date	Ward
115096/FO/2017	31st Jan 2017	1st Jun 2017	Miles Platting And Newton Heath Ward

Proposal Creation of 9 no. self-contained apartments (Use Class C3a).

Location Malcolm House, Fernside House And Fernside Stables , 27 Windsor Road, Newton Heath, Manchester, M40 1QQ

Applicant Elliott Investments Ltd, Malcolm House, 27 Windsor Road, Manchester, M40 1QQ,

Agent Mr Lukman Vika, Compass Architectural + Consultants Ltd, Daisyfield Business Centre, Suite 301, Appleby Street, BB1 3BL,

The Planning & Highways Committee considered this application on the 27th April 2017 and it was deferred for a site visit. This was to allow the members to consider the site and the proposed development in its surroundings, and to assess the impact of the proposals on both the visual and residential amenity of the area.

Site Description

The application site is comprised of 3 buildings within a secure boundary including Malcolm House, Fernside House and Fernside Stables. The application site measures 0.43 hectares in area with the existing building occupying the front area of the site onto Windsor Road.

The site location plan for the application site can be seen below.



Malcolm House and Fernside House are large Victorian Villa properties that are now linked via a glazed walkway, which was added following planning permission in 2004. Malcolm House is a two storey building with additional accommodation in the basement and the original house has been extended towards the road to create additional accommodation. Fernside House is a three storey building again with further accommodation in the basement. Fernside Stables is a two storey building to the front of the site that was extended and converted into residential accommodation following planning permission in 2005.

Photographs of the buildings taken from Windsor Road can be seen below:



The buildings are situated to the front of the site onto Windsor Road with expansive landscaped grounds to the rear, with mature gardens and car parking. This includes a car park for 16 cars at the bottom of the rear garden, 6 parking spaces within the courtyard area to the front of Fernside House and further additional parking adjacent to the main entrance into Malcolm House. All parking can be accessed directly from Windsor Road. The buildings at the application site were previously used by Manchester College as a guest house with temporary accommodation for overseas students, however this use has now ceased.

The application site is located within the Graver Lane Conservation area, which was designated in 2005. None of the buildings within the designated area are listed, however whilst the architectural qualities of the individual buildings and the terraced properties vary, the historic architectural characteristics of red brick, vertically proportioned window openings with sliding sash windows well set back from the

exterior brick surface and with slate covered pitched roofs remain consistent features. The eight large houses accessed from Windsor Road and facing the open space of Lords Brook are important because of their contrasting sites (gardens), their orientation and their relationship with the much larger natural landscape of the valley in which the brook flows.

The site plan showing the layout of the site can be seen below:



This is a predominantly residential area of the Newton Heath ward, with a mixture of terraces, semi-detached and large detached properties. Windsor Road is characterised on the eastern side by large Victorian properties that are mainly converted into supported living and a day nursery.

Planning History

Planning permission was refused by the Planning & Highways Committee on the 21st December 2016 for the change of use of Malcolm House, Fernside House and Fernside Stables to provide supported living accommodation (Use Class C2).

Planning permission was granted in May 2005 for the conversion of a two storey stable building into residential accommodation with five bedrooms, to be used in association with the existing educational use of Fernside House and Malcolm House (074446).

A Planning Application for the erection of a two-storey building, with six bedrooms, to be used in conjunction with Fernside House, following the demolition of the stable building, was withdrawn in January 2005 (070728).

Planning permission was granted in June 2004 for the erection of a single storey glazed link building between Malcolm House and Fernside House to allow disabled access, along with the creation of seating at rear of properties (070729).

Planning permission was granted in 2003 for the change of use of dwellinghouse (Class C3), to conference centre with overnight staying facilities (sui generis) (066943).

Planning permission was granted in 2000 for provision of additional car parking spaces (058068).

Planning permission was granted in 1995 for the conversion of Home for the Aged to a College Guest House for the Manchester College of Arts and Technology (047682).

Current Proposals

Planning permission is sought for the conversion of the three buildings on the site namely Malcolm House, Fernside House and Fernside Stables, into 9 no. self contained apartments under Use Class C3a. This would include the creation of 4 apartments in Malcolm House (3 x 1 bed, 1 x 2 bed and 1 x 3 bed units), 2 apartments within Fernside House (2 x 3 bed units) and 2 apartments in Fernside Stables.

The proposed development would utilise the existing 22 car parking spaces at the site, with 16 located within the car park at the rear of Malcolm House and a further 6 within the courtyard adjacent to Fernside House and Fernside Stables. The resulting works to the buildings are all internal, with no external works proposed to the existing buildings. The proposals do include however, the provision of a designated on-site bin storage area and 2 cycle storage areas housing a total of 16 bicycles located adjacent to the main vehicular entrance off Windsor Road adjacent to Malcolm House. The proposed site layout plan for the proposals can be seen below:



Consultations

Local Residents / Businesses

Letters were sent to 41 addresses around the application site and the application was advertised through a press notice in the Manchester Evening News and through the display of site notices. In response, 28 representations have been received by either letter or email, all of which object to the proposed development. The comments made can be summarised as follows:

- Online research of the applicant's business interests confirms that they generally relate to the provision of health/social care which is the same as the previously refused application. Concerns are that the applicant is seeking to circumvent the planning system through this current application and that his intention is to operate the proposed apartments as special need housing (use class C2). This type of accommodation is inappropriate in this location and has previously been refused by Manchester City Council's planning committee on 21 December 2016.
- The applicant has a history of submitting C3 applications for low quality conversions, which is demonstrated by their application for Time House Davenport road Blackburn 10/16/0827, a scheme that has received major press and public objection.
- Since the refusal of planning application 114133/FO/2016 local residents have observed the property being used for C2 supported living accommodation. From these actions it is clear that the applicant has blatant disregard for the planning system and is willing to ignore the decision made by democratically elected Councillors who represent the local community.
- It is acknowledged that the current application is submitted for C3(a) dwellinghouses. If the Council did decide to grant planning permission then it must be made clear in the decision through a condition that the proposed apartments must only be used for C3(a).
- In addition to this condition, permitted development rights for change of use to Houses in Multiple Occupation (use class C4) must also be removed, if the Council grant planning permission.
- Development is contrary to Core Strategy policy H11, which states that permission will only be granted for the change of use from family dwellings to flats where it can be demonstrated that there is no reasonable demand for the existing use and where the accommodation to be provided is of a high standard and where it will not materially harm the character of the area, having particular regard to the criteria in policy DM1. However, it is considered that this is a poor quality development and it would affect the character of the area.
- The claim that the development will be of high quality is unsubstantiated as the application drawings suggest the focus of the scheme has been to convert

the building at minimal expense and provide ensuite bathrooms so that bedrooms can be individually rented.

- The retention of the basement level of the lower ground floors of Fernside House and Malcolm House as plant rooms also suggests the applicants intention to operate the buildings as C2, rather than to convert this accommodation to saleable floorspace.
- The existing drawings submitted are inaccurate and are not consistent with the plans that were approved previously under planning application 074446/FO/2005/N1 and the Design and Access Statement states that Fernside House was extended in 2005 and converted to residential accommodation, which it was not.
- There is currently a large number of houses which have been converted to C3 use class flats in the local area. If the application is approved, only 23% of the street area would be used for singular residential use, with 33% used as flats, 39% for C2 residential care and 5% as childcare. This would lead to 77% of the Victorian Houses within the area not being used for singular residential use. This represents a great imbalance and clearly conflicts with Manchester City Council's aims to create more sustainable neighbourhoods of choice. This proliferation of non single residential uses in the immediate area of the site conflicts with Core Strategy Policy H11 and Saved UDP Policy 5.1.
- The predominance of 1 bed accommodation does not support the provision of mixed sustainable communities and conflicts with the Council's requirements for flat developments to comprise no greater than 33% 1 bed accommodation.
- Although no removal of trees is proposed as part of the current application, the applicant has previously cut down trees without approval, again demonstrating a disregard for the planning system.
- Parking in this area has been a major issue, to the point where the road has required double yellow lines and parking is now a serious issue. The streets are used as cut-through with drivers going at ridiculous speeds. This development will add further traffic to the area.
- Residents have had late night disturbances from residents arriving from nights out. Cars have been vandalised on several occasions. Residents are very concerned that this planning application could make these incidents more frequent and affect the balance of the local environment.
- Noise generated by cars using the twenty-two space car park would cause significant disturbance to adjoining properties. The previous low level of use by Manchester College has never caused a disturbance. The proposed use would cause significant increase and disturbance at uncontrolled hours in both noise and light from headlights.
- No analysis has been completed on the impact of significantly increased use of the car park on the Brookdale Clough Site of Biological importance (SBI),

which is adjacent to the car park or the negative effect on owls nesting in the trees of Fernside House garden.

- There is no consideration to boundary treatment to adjoining properties. There is currently a low level fence that provides views of the woodland and the Brookdale Clough SBI site beyond this. The proposed application would mean that for security a higher level fence would be required which would restrict these views.
- The waste management strategy has no proposed waste carrier and does not provide details of storage on the internal layout plans, or show collection points.
- The refuse store is shown directly under the windows of Apartment 1. It is not believed that there has been any consideration to this or as stated the ventilation of the refuse store and no detail drawings are provided.
- The site plan shows cycle spaces located directly in front of the entrance door to Apartment 1. The location is also directly in view from Windsor Rd, an area which has a high crime rate for bicycle theft.
- The application has given no consideration to disabled access to the proposed apartments.
- There is no mention of plans for the conservatory currently between Fernside and Malcolm House. It is detrimental to the character of the buildings and that of a conservation area.
- There is an overall lack of detail with respect to the planned apartments in relation to double glazing. There is no detail or specification as to how this would be achieved whilst retaining the original character of the building.
- No scheme to illuminate the car park during the evening, no detail of electronic gates or method of access to the car park and no provision for CCTV that would be required to provide security to the residents and adjoining properties. There are already high levels of disorder and drug dealing on the Brookdale park car park, which is located 100 yards from the property at the end of Windsor Road.
- There has been no consultation with the community.
- In line with Policy DC2a.1, these are key buildings within the conservation area and this is the only opportunity for the council to support them being put back to their original use as homes rather than a profit led development, which aims to avoid the unnecessary loss of the bigger dwelling houses available for larger and extended families. Malcolm and Fernside House are beautiful buildings and should be retained for family housing.
- There are already a number of care facilities on Windsor road, added to the hairdressing salon, shop, dog grooming salon, nursery and fitness gym all

within 100m of the property. There isn't the infrastructure to cope with more of the same or similar facilities without it having an impact on the local area.

- No specification is provided with the application, so we have no idea if these are affordable flats or high end flats.

Highway Services

The site accessibility by sustainable modes is considered adequate. The site is within a five minute walk of bus stops on Hulmes Road which provides transport connections to Oldham and Manchester. It is anticipated that the proposed development is unlikely to generate a significant increase to the level of vehicular trips therefore the proposals do not raise any network capacity concerns.

A revised layout of the on-site parking arrangement has been provided which shows spaces for 16 vehicles to the rear of Malcolm House and a further 6 to the front of Fernside House. Verification of how the parking is accessed has not been provided, however the overall number of spaces is acceptable for this development. It is noted that 1 bay is now being provided for disabled parking with 3.6m x 6.0m dimensions to align with MCC parking policy requirements and this is acceptable.

It is noted that secure and sheltered cycle parking is now being provided for the proposed apartments which exceeds one space per unit and is acceptable. On site access arrangements for deliveries and servicing are only indicative. However it would appear that there would be sufficient room within the car park to the rear of Malcolm House to turn a small delivery vehicle and exit the development in forward gear.

The applicant has identified an area within the site boundary where bins are to be stored and collected and the proposals are acceptable. There are no external alterations proposed so all works are to be contained internally. The applicant is advised that any requirements for licensing, hoarding / scaffolding 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).

Environmental Health

Initial comments received outlined that the information contained within the waste management strategy differed slightly to that contained within the Design and Access Statement in relation to the bin sizes proposed. Further information was provided by the applicant and it has now been confirmed that the proposed waste management strategy is acceptable for this development subject to the compliance being ensured through the inclusion of an appropriately worded condition.

Oldham Metropolitan Borough Council

Oldham MBC have confirmed that there are no objections to the proposals.

Greater Manchester Police

GMP have some concerns with the way the design has been portrayed, due to the number of entrances on all elevations and that the car park seems to be located in a remote place away from any natural surveillance. However, recommendations have been made for security measures that will improve the overall security at the site including any new fittings to be certified to Secured by Design standards, the pedestrian and vehicular accesses and the main entrance into the buildings should be access controlled, and lighting to all parking areas should be in accordance with BS 5489, with an average lux level 20 and a uniformity level of no less than 25%. To facilitate natural surveillance shrub planting should not exceed 1000mm in height, and tree canopies should fall no lower than 2000mm from the ground. Dusk-till dawn lighting should be installed at all existing or proposed entrances. In summary, it is essential that the above matters are addressed in order to gain GMP's full support for the proposal.

Policy Context

Core Strategy

The relevant Core Strategy policies in this case are SP1, DM1, EN3, H1 and H3.

Policy SP1 - Spatial Principles

Policy SP1 advises that the emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment. The majority of new residential development in these neighbourhoods will be in the Inner Areas, defined by the North Manchester, East Manchester and Central Manchester Regeneration Areas. Policy SP1 states under Core Development Principles, that Development in all parts of the City should:-
Make a positive contribution to neighbourhoods of choice including:-

- creating well designed places that enhance or create character;
- making a positive contribution to the health, safety and wellbeing of residents;
- considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income;
- protect and enhance the built and natural environment.
- minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible; and
- improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

This proposal will accord with this policy in that it will assist in the creation of neighbourhoods of choice with high quality and diverse housing that meets local need, will enhance the character of this development site and the wider area and will reuse previously developed land.

Policy H1 - Overall Housing Provision

Policy H1 prioritises residential development on previously developed land, in particular through the re-use of vacant housing or other existing buildings. This proposal would accord with the broad aspiration of policy H1 in that the proposed development would be located on a brownfield site, and re-use three historic vacant buildings to create large and good quality residential accommodation.

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 would 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. The proposed development would accord with policy H3 by forming large and good quality 1, 2 and 3 bedroom apartments within this currently vacant site, whilst protecting the historic buildings within the Conservation Area.

Policy DM1 - Development Management

Policy DM1 follows the principles advocated in the aforementioned policies and informs that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.
- Developers will be required to demonstrate that new development incorporates sustainable construction techniques.

The proposed development would accord within Policy DM1 in that it is considered to have an appropriate siting, layout, scale, form, massing, materials and detail to be in keeping with the existing buildings in the Conservation Area. It is not considered that the development would have no adverse impacts on the character of the surrounding

area or on the amenity currently experienced within this area and is acceptable in relation to safety and crime prevention, waste management, and car parking.

Policy EN3 is relevant to this application as the site is within the Graver Lane Conservation Area. The policy seeks to protect the character of the City's heritage assets from the effects of development. As there are no external alterations proposed as part of the conversion to apartments, the impact on the Conservation Area will be minimal with only a new bin enclosure and cycle stores being visible externally.

Unitary Development Plan

The relevant saved Unitary Development Plan policy in this case is DC18.

Policy DC18 is relevant as the development lies within the Graver Lane Conservation Area. The policy seeks to preserve or enhance the City's conservation Areas. As there are no external alterations proposed as part of the conversion to apartments, the impact on the Conservation Area will be minimal with only a new bin enclosure and cycle stores being visible externally. The issue of the unauthorised felling of trees at this site is being dealt with separately.

National Planning Policy Framework

National guidance can be found in the National Planning Policy Framework (NPPF). The central theme to the 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 (paragraphs 6 & 7).

Paragraphs 11, 12, 13 and 14 of the NPPF outlines a "presumption in favour of sustainable development". This means approving development, without delay, where it accords with the development plan. Paragraph 12 provides: "Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise."

Paragraph 126 of the Framework stipulates that local planning authorities should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

Paragraph 128, requires developers to identify any heritage assets which may be impacted by a proposed development and describe its significance, including any contribution to that significance that may be made by the asset's setting. The level of detail should be proportionate to asset's significance and should allow the planning authority to understand potential impacts to that significance.

Paragraph 129 states Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage

asset, to avoid or minimise conflict between the heritage assets conservation and any aspect of the proposal.

Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Legislative Requirements – Section 72 of the Listed Building Act provides that in the exercise of the power to determine planning applications for land or buildings within a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

As this proposal is delivering good quality homes with large internal spaces and the use of the existing mature gardens within and protecting historic properties within the conservation area, it is considered that the development is contributing to providing sustainable neighbourhoods of choice in accordance with the guidance within the NPPF.

Issues

Principle

It is considered that the redevelopment of this site for residential use is acceptable in principle and in keeping with the surrounding uses for this area of Newton Heath. The renovation and use of these vacant buildings is also welcomed and will have a positive impact on the character of this area and the Graver Lane Conservation Area. However, the quality of the proposed accommodation, the impact of the development on the wider area and the surrounding residential properties should be assessed.

Proposed Accommodation and Space Standards

The proposed development includes the provision of 9 self-contained Class C3(a) apartments within the existing Malcolm House, Fernside House and Fernside Stables. This provides a low to medium density for such a large site including the provision of 4 no. one bedroom apartments, 2 no. two bedroom apartments and 3 no. three bedroom apartments. An assessment of the proposals against the internal space standards contained within the Residential Quality Guidance shows that the proposed apartments all exceed the recommended sizes for accommodation of this type.

For example, the one bedroom units measure 37m², 51m², 63m² and 86m² when the required standard for a 1 storey dwelling is 37m², and the three bedroom units measure 120m², 132m² and 138m² when the required standard for a 1 storey dwelling is between 74-95m². The mix of 1, 2 and 3 bedroom apartments is also considered to be appropriate for this site, again as the units are sizeable and as there

are constraints to the layout due to this being a conversion scheme rather than a new build proposal.

On this basis, the proposals are considered to provide an acceptable mix of good quality well-spaced accommodation with access to adequate car parking, cycle parking and a significant amount of high quality private outdoor amenity space. Therefore, the proposed accommodation is considered to be acceptable and in line with Council standards.

Objections to the Use

Significant objections have been received from local residents against the proposed development on the basis of the future use of this site and properties. As outlined within the planning history section at the beginning of this report, planning permission was sought by the same applicant to change the use of this site to provide Class C2 supported living accommodation for vulnerable adults. The application was refused by the Planning & Highways Committee on the 15th December 2016 due to the over-proliferation of supported living in this area of Newton Heath. However, numerous concerns have been received from local residents that the applicant is gaining planning permission under C3 for the creation of 9 apartments, but still intends to use the units of accommodation to offer supported living under C3(b) of the Use Classes Order, which allows the use of dwellinghouses by people living together as a single household and receiving care. Information has also been received in relation to telephone contact made with the applicant, where supported living accommodation was offered to a disabled adult at the newly refurbished accommodation that will be available in May.

The concerns raised by local residents are acknowledged, however the Local Planning Authority can only consider and make a recommendation on the basis of the planning permission being sought and not on the basis of how the buildings may be used unlawfully in the future. The application form and supporting documents state that planning permission is being sought to provide residential accommodation under the C3(a) use class and not under any other sub type within this wider 'dwellinghouses' use class. As discussed within this report, it is considered acceptable for the site to be converted to create residential accommodation under Class C3(a). Therefore, to ensure that the units of accommodation are used for Class C3(a) and not for supported living accommodation under Class C3(b), a condition has been included that restricts the use of the 9 self-contained apartments to the occupancy by a single person, two people sharing or a family. If the accommodation is not used for this purpose in the future in accordance with the planning permission granted, then the Local Planning Authority will be able to pursue any necessary enforcement action on the basis of this appropriately worded condition.

A request has also been made that the permitted development rights of the property to convert to a C4 use are removed in addition to a condition relating to the sub categories of use class C3. However, this is not necessary, as the condition described above would restrict the change of use of the property to C4 use without formal planning approval.

Complaints have also been received that unauthorised works were being completed at the site and that the site is already being used to provide supported living

accommodation. However, a site visit was completed by an officer of the Development Compliance team and it was confirmed that the works being completed were internal decoration and renovation in nature and that it was not occupied by anyone receiving care.

Finally, numerous objections have been received in relation to the provision of C3 residential flats in this area that would be of no benefit to the area and would cause a further imbalance of property types. It is considered that the City Council should return the properties to single houses for large extended families rather than the creation of apartments. As outlined above, the creation of 9 apartments within the 3 existing buildings constitutes a reasonably low density and the units proposed are large and spacious that would be suitable for couples and expanding families. The units of accommodation will have a unique character due to the scale and historic nature of the existing buildings that is different to other apartments located nearby. The site and its former residential uses lends itself well to the provision of large self-contained apartments due to the surrounding mature landscaped grounds and the existing provision of car parking. Therefore, it is considered that the provision of good quality residential accommodation at this site is acceptable and would complement the existing neighbourhood within this area to ensure the ongoing delivery of sustainable communities.

Design and Appearance

The proposal is considered to be in keeping with the character of the existing buildings, the Graver Lane Conservation Area and the street scene in the general area. Despite not being listed buildings, Malcolm House, Fernside House and Fernside Stables have architectural character and do contribute significantly to the appearance of the street scene and the conservation area. The proposed re-use and renovation of these buildings to provide good quality residential accommodation is welcomed to ensure the long term protection of these historic buildings within the conservation area. There are no external elevational alterations proposed to the three buildings and the only new elements would include a new bin storage and collection area and two new cycle stores close to the main entrance into the site from Windsor Road. However, a condition has been included requesting the submission of full design details of these enclosures to ensure a good quality scheme and to protect the character of the site in the conservation area. Therefore, it is considered that the proposal is in context with the surrounding area.

Residential Amenity

Detailed consideration has been given to the impact of the proposed development on existing residential properties in the vicinity. It is acknowledged that there are existing residents living within properties in neighbouring buildings adjacent to the application site, and there would be an increase in the activity compared to the existing vacant building. However, as outlined through objections received, the previous use of this site was to provide residential accommodation in association with Manchester College and it appears that there were ongoing problems of noise, general disturbance, littering and crime and security issues while the property was in this use. Therefore, the provision of C3 dwellinghouses on this site should address the issues experienced by residents from the previous use and improve the overall local environment.

The proposals include the provision of only 9 apartments within these large existing buildings and there are no elevational alterations being proposed, the height of the buildings is not being increased and the number of windows within any elevations facing the existing properties is not increasing. It is acknowledged that there would be an increase in comings and goings at the site over the existing vacant site, however any potential impacts are not unduly harmful to outweigh the redevelopment of the site and the contribution this proposal can make to the provide good quality residential accommodation and the protection of the Graver Land Conservation Area.

Traffic and Parking

As confirmed by Highway Services, due to the proposals only being for 9 apartments, it is not anticipated that the proposed development would generate a significant increase to the level of vehicular trips to the site or within the surrounding area. Therefore, the proposals do not raise any network capacity concerns.

The proposed development provides 22 existing off street parking spaces, which is considered adequate for a development of this scale. This is located within the rear car park and to the front of Fernside House. It is also proposed to provide cycle storage for a total of 16 bicycles close to the main entrance into Malcolm House. Highway Services have confirmed that the car parking and cycle parking provision is satisfactory for this development. Concerns have been raised in relation to the location of the cycle parking in clear view from Windsor Road and the current problems with bicycle theft in this area. A condition has been included that requests further design details for secure cycle storage in this location and the stores are located in view of the new and existing apartments overlooking this area. Therefore, this should minimise any security concerns.

Therefore, there should not be any detriment to highway safety or implications of on-street parking around the application site to the detriment of residential amenity.

Amenity Space

The proposed development would provide 9 self-contained 1, 2 and 3 bedroom apartments. The application site includes expansive landscaped gardens to the rear of the site where residents could enjoy private outdoor space. Therefore, on balance it is considered that the proposed development would make an adequate provision in terms of private amenity space for use by the future residents of the development and therefore is in accordance with Core strategy policies DM1 and H1.

Waste Management Strategy

The proposed refuse storage area is located within the curtilage of the site to the front of the site behind the boundary wall. This location is considered to be acceptable as it will be screened from the road by the tall boundary wall and is close to the road for easy access for collection. Concerns have been raised by local residents that the new bin storage area is directly outside the windows of the newly created Apartment 1. However, a condition has been included that requests further design details for the proposed enclosure of this area and this should improve the appearance of this area and reduce any impact on the adjacent apartments.

The applicant has identified that the on-site bin store provides sufficient space to include the necessary provision for recycling for the small number of units proposed

and the siting of the store can be easily accessed for Council waste disposal services. The applicant intends to make provision for 2 x 1100l for general refuse, 1 x 660l for mixed recycling, 1 x 660l for pulpable recycling and 1 x 240l for food waste. Due to the spacious size of the proposed apartments, there would be space within each apartment for necessary recycling facilities to be stored.

It has been confirmed by Environmental Health that the proposed refuse calculations and the resulting number of bins is acceptable, and therefore a condition has been included to ensure the compliance of the development with this waste management strategy.

Security

It is acknowledged that a response has been received from Greater Manchester Police outlining that they do have some concerns about the multiple entrances to the apartments on all elevations and the remote location of the rear car park. However, this is due to the separation between the three buildings that would not permit one point of entrance to all the 9 apartments. These are existing entrance points into the three buildings as no external alterations are proposed, and in an attempt to retain the character of the buildings within the Conservation Area and to provide the larger apartments with their own dedicated entrance rather than access from a communal area, the scheme does include a number of separate entrances to the new apartments. The car park is existing and to move these spaces elsewhere within the site would result in the loss of areas of mature landscaping and potentially the felling of trees, which would be unacceptable in a Conservation Area.

It is considered that site does include a substantial and secure boundary and that providing a condition is included to ensure the installation of a number of additional security measures for the buildings and the surrounding grounds, the City Council is satisfied that an acceptable level of security can be provided to resolve any concerns that Greater Manchester Police have.

GMP have confirmed a number of recommendations that could be introduced at the site to improve the overall security for residents. This includes that any new fittings to be certified to Secured by Design standards, the pedestrian and vehicular accesses and the main entrance into the buildings should be access controlled, and lighting to all parking areas should be in accordance with BS 5489, with an average lux level 20 and a uniformity level of no less than 25%. To facilitate natural surveillance shrub planting should not exceed 1000mm in height, and tree canopies should fall no lower than 2000mm from the ground. Dusk-till dawn lighting should be installed at all existing or proposed entrances.

Therefore, a condition has been included to ensure that a fully detailed security statement outlining the exact security measures to be included in the development, is submitted to and approved in writing by the Local Planning Authority prior to any of the development works on site commencing. This is to ensure that the necessary security measures are fully incorporated into this scheme from the beginning of the design process and are properly implemented as part of the construction of the development. The condition also requires that the development is carried out in accordance with these approved details, and that the measures are entirely incorporated and installed prior to the first occupation of the accommodation and

shall thereafter be retained and appropriately maintained as long as the building is occupied.

Impact on the Character of the Graver Lane Conservation Area

The proposed development includes the retention and re-use of three prominent and characterful buildings within the Conservation Area. The proposed change of use will not impact on the appearance of the property as there are no proposed external elevational alterations proposed to the buildings or external changes to the landscaped areas around the site. It is proposed to create a bin storage and collection area and to provide cycle storage for 16 bicycles adjacent to the front entrance to Malcolm House. These will be screened from Windsor Road by the substantial boundary wall, however to ensure that the appearance of these does not cause a detriment to the character of the Conservation Area, conditions have been included to request the submission of details in relation to the design of the bin enclosure and the cycle stores.

The unauthorised felling of some of the trees at this site has been investigated separately to this application and negotiations are taking place with the applicant to plant replacement trees for those that have been lost.

Therefore, it is considered that the proposals would secure the long term economic use of the application buildings within the Conservation Area and would not be contrary to Core Strategy Policy EN3, saved Unitary Development Plan policy DC18 and the relevant National Planning Policy Framework policies.

Inaccurate Drawings

Objections have been received that the existing plans submitted for Fernside Stables are incorrect and do not show the layout that was previously approved under application 072766/FO for Manchester College. This was raised with the applicant and subsequently, the existing plans have now been amended to show the bedrooms previously approved for the Manchester College accommodation.

Ecology

Within the comments received from local residents, concerns have been raised in relation to the impact of the car parking area to the rear of the site on the adjacent Brookdale Clough Site of Biological importance (SBI), and on owls nesting in the trees of Fernside House garden. It can be confirmed that this is an existing car park that was utilised by the former Manchester College residential accommodation use and it is not anticipated that there would be any increase in the use of this car park that would result in an additional impact on the adjacent SBI or on the ecological habitats or value of the application site itself.

Disabled Access

Objections have been received that state that no information has been provided in relation to the accessibility of the development. It is acknowledged that the proposals do include a number of stepped access points and disabled access is not provided to all units of accommodation. However, this proposal does include the conversion of historic properties within a Conservation Area and in order to retain the character of these historic properties, it has not been possible to provide level access to all 9 apartments. Level access would be provided to the one bedroom apartment on the

ground floor of Malcolm House and the three bedroom unit on the ground floor of Fernside House via the covered walkway between Malcolm House and Fernside House. Level access would also be provided to the two bedroom ground floor apartment in Fernside Stables. Therefore, this is considered to be acceptable for the accessibility of a conversion scheme in a historic setting.

Covered Walkway

It has been outlined within comments received from local residents that no information has been given in relation to the conservatory / covered walkway that exists between Malcolm House and Fernside House, and that it should be demolished to be more in keeping with the historic character of the buildings and the Conservation Area. As explained above, the covered walkway provides a ramped access into Malcolm House and Fernside House and would provide level access to 2 of the apartments being proposed. Therefore, as this is an existing structure that will provide a greater level of access to a historic building, it is considered acceptable in this case that the walkway would be retained.

Conclusion

For the reasons outlined above, it is considered that the proposed development would be in accordance with Core Strategy Policies SP1, H1, H3, EN3 and DM1, saved policy DC18 of the Unitary Development Plan and the policies outlined within the National Planning Policy Framework. The proposals would deliver nine good quality and spacious apartments under the C3(a) use class with adequate car parking, private outdoor amenity space, secure cycle storage and waste recycling facilities. The proposals would also secure the long term economic use of the application buildings within the Conservation Area whilst protecting the character of this historic setting. The concerns raised by local residents are acknowledged, however on the basis of the planning permission being sought, the proposed development is considered to be acceptable and in line with relevant planning policies.

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 the right to a fair hearing and to this end the Committee 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 Head 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 approval of the application is proportionate to the wider benefits of approval 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 applicant did not seek any pre-application advice from the City Council prior to the submission of this planning application. There were initial concerns about the internal layout of some of the proposed apartments, the inaccuracies of some of the plans and documents and further issues that had been raised through consultations. Officers worked in a positive and proactive manner with the applicant to negotiate some revisions to create an acceptable number of large units of accommodation, and an acceptable amount of private outdoor amenity space, car parking and refuse storage for the future occupants. Therefore, the scheme is now acceptable and in accordance with the Development Plan.

Reason for recommendation

Conditions to be attached to the decision

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:

Drawings

MH01
MH04
MH05
MH06
FH07
FH08
FH09

stamped as received by the Local Planning Authority on the 23rd January 2017

Site Location Plan numbered 12

Site Layout Plan numbered 11

Fernside Stables Plan numbered FS10

MH02 Rev A

MH03 Rev A

received by the Local Planning Authority by email on the 21st March 2017

Documents

Planning and Design and Access Statement Amended March 2017 (notwithstanding any reference to the use as a general C3 and not C3(a))

received by the Local Planning Authority by email on the 21st March 2017

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1, H1, H3, EN3 and DM1 of the Core Strategy and saved policy DC18 of the Unitary Development Plan.

3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 (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.

4) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied. The car park shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate car parking for the development proposed when the building is occupied, pursuant to Policies T2, SP1 and DM1 of the Core Strategy.

5) No part of the development shall be occupied until space and facilities for bicycle parking have been provided in accordance with details shown on the site layout drawing numbered 11 received by email on the 21st March 2017. The approved space and facilities shall then be retained and permanently reserved for bicycle parking as long as the building is occupied.

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 T2, SP1 and DM1 of the Core Strategy.

6) Prior to the development hereby approved being first occupied, elevational drawings and specifications for the proposed secure cycle storage shown on the proposed site layout plan numbered 11 received by email on the 21st March 2017 shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with approved drawings prior to the first occupation of the accommodation hereby approved and shall thereafter be retained and appropriately maintained as long as the building is occupied.

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, EN3 and DM1 of the Core Strategy.

7) The development hereby approved shall be operated in accordance with the Waste Management Strategy detailed within the Planning and Design & Access Statement and the site layout drawing numbered 11 received by the Local Planning Authority by email on the 21st March 2017 in relation to a scheme for the storage (including segregated waste recycling), disposal and collection of refuse including the vehicle tracking for refuse collection vehicles. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the development is occupied.

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (July 2012).

8) Prior to the development hereby approved being first occupied, elevational drawings and specifications for the proposed bin collection and storage area shown on the proposed site layout plan numbered 11 received by email on the 21st March 2017 shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with approved drawings prior to the first occupation of the accommodation hereby approved and shall thereafter be retained and appropriately maintained as long as the building is occupied.

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, EN3 and DM1 of the Core Strategy.

9) Prior to the commencement of the development hereby approved, a fully detailed security statement outlining the exact security measures to be included in the development, including the specification of any new external fittings (windows and doors), the specification of glass within the external fittings, the provision of certified apartment entrances including door viewers, the specification of the vehicle and pedestrian security gates, the controlled entry into the building, details of secure post boxes, the specification and positions of security lighting and the provision of internal and external CCTV shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with these approved details, which should be entirely incorporated and installed prior to the first occupation of the accommodation hereby approved, and shall thereafter be retained and appropriately maintained as long as the building is occupied.

Reason - To ensure that the necessary security measures are fully incorporated into this scheme from the beginning of the design process, are properly implemented as part of the construction of the development and retained and maintained as such thereafter to reduce the risk of crime pursuant to Policy SP1 and DM1 of the Core Strategy.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 115096/FO/2017 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

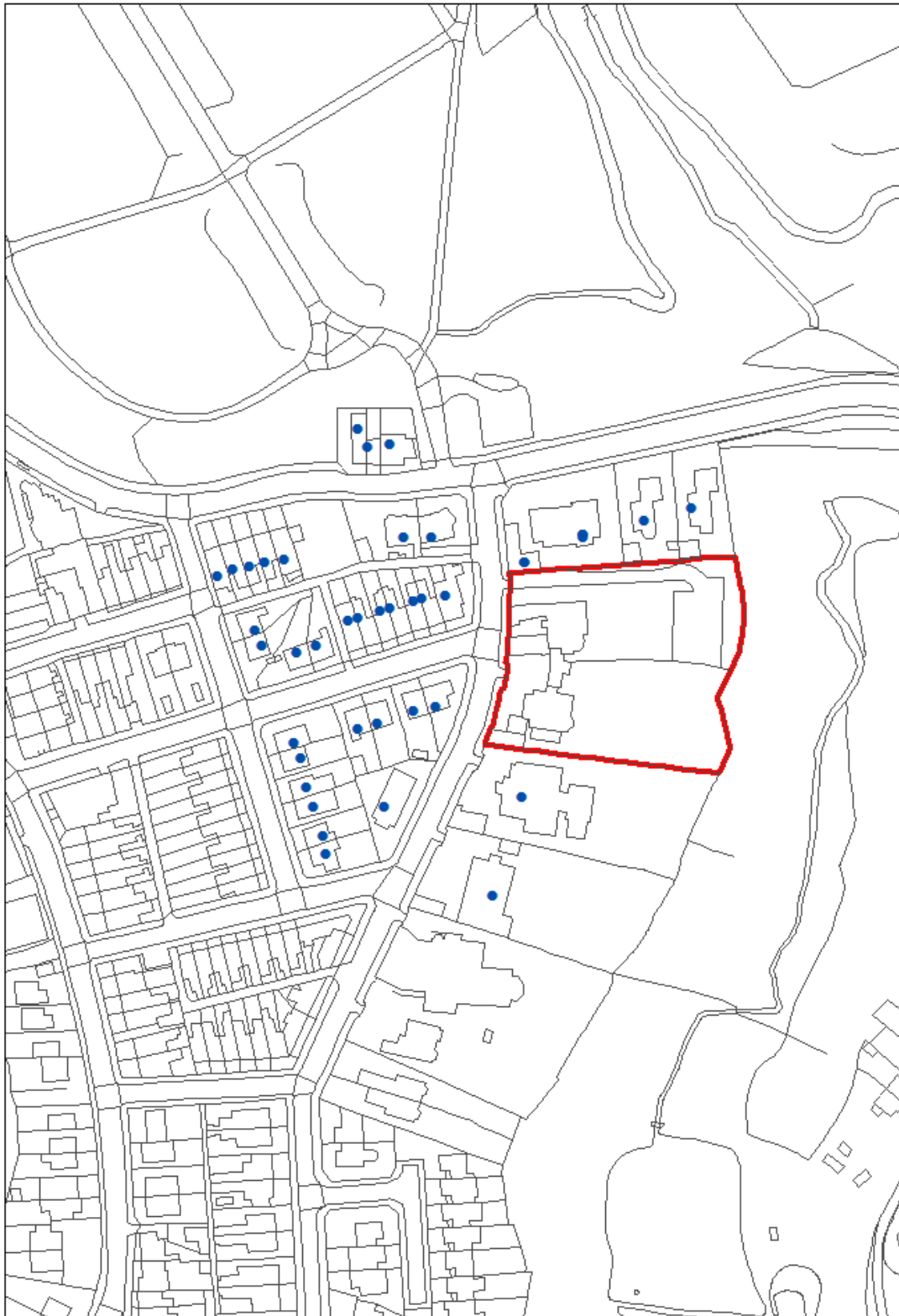
Highway Services
Environmental Health
Oldham Metropolitan Borough Council
Greater Manchester Police
Environmental Health
Highway Services
Oldham Metropolitan Borough Council
Greater Manchester Police

A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:

4 Carnwood Close, Manchester, M40 1RJ
18 Windsor Street, Clayton Bridge, Manchester, M40 1GU
12 Windsor Road, Newton Heath, Manchester, M40 1QQ
3 Windsor Road, Manchester, M40 1QQ
5 Rupert Street, Manchester, M40 1QU
9 Ingham Street, Manchester, M40 1GW
63 Graver Lane, Manchester, M40 1GQ

Relevant Contact Officer : Jeni Regan
Telephone number : 0161 234 4164
Email : j.regan@manchester.gov.uk



 Application site boundary  Neighbour notification
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