

Application Number	Date of Appln	Committee Date	Ward
117249/FO/2017	7th Aug 2017	20th Sep 2018	Ardwick Ward

Proposal Erection of a ground, first and second floor rear extension and alteration and enlargement of the existing roof to allow the formation of 4 dormer extensions for related roofspace accommodation, conversion of basement, related elevational alterations and the formation of an integral bin store with building in connection with the formation of 9 self-contained apartments (Class C3).

Location 231 Upper Brook Street, Manchester, M13 0HL

Applicant Land Investments Ltd, 17 Dolphin Street, Manchester

Agent David Ormesher, Holborow & Ormesher Ltd, Station House, Adams Hill, Knutsford, WA16 6DN

This application is being presented to the Planning and Highways Committee for members to agree what decision they would have made if the application was before them for determination. This is due to the applicant appealing against non-determination of the planning application and therefore the final decision now rests with the Planning Inspectorate.

Description

This planning application relates to a relatively large end terraced house of 2 and 3 storeys above a basement. It is located at the junction of Upper Brook Street and Swinton Grove. The property has been historically converted into flats. The adjacent parade is in predominantly shared residential use. Further housing, predominantly of 2-storeys, is located immediately to the east of the site along Swinton Grove. Holy Trinity Armenian Church is located on the opposite (northern) junction of Upper Brook Street and Swinton Grove. Buildings relating to Manchester Royal Infirmary are positioned on the opposite (western) side of Upper Brook Street.

The application property originally comprised of red –brick elevations and slate pitched roofs. However, the elevations to Upper Brook Street and Swinton Grove have been painted with original brickwork retained to the rear. The principal elevation to Upper Brook Street is partially exposed by light-wells with a pair of projecting bays above topped with a lean-to canopy above. A doorway is positioned between the bays accessed by steps. At first floor the principal elevation comprises 4 windows with stone cills and arched soldier course lintels. A pair of narrow hipped pitched dormers are located with the forward roof plane reflecting the arrangement of the adjoining terrace. The arrangement of light-wells, bays, windows and dormers is replicated in the side elevation to Swinton Grove. The rear of the building forms 3-storey responds to changes in the internal floor configuration. The rear elevation comprises characteristic recesses formed through adjoining 3 and 2 storey outriggers and the formation of a rear wall to a yard area. The rear of the property follows the continuous line of the boundary, which is positioned immediately to the back of a footpath providing pedestrian access to an area of public open space and the rear of

neighbouring 2-storey housing. The site is demarcated from Upper Brook Street and Swinton Grove by a garden area bounded by low brick walls. A single car parking space is located in the front garden area with access on to Upper Brook Street.

The planning application makes reference to 5 existing apartments, which were approved on 20 September 1990 under planning permission 036139. However, the submitted drawings indicate that the property has been sub-divided into 7 apartments without planning permission for the 2 additional apartments. The existing layout therefore shows 2 apartments at basement, ground and first floors and 1 apartment at second floor level.

The proposed development would involve the in-filling of recesses to the rear elevation through the formation of an extension that would project up to and follow the main building line sited adjacent to the back of footpath. The extension would incorporate a new and extended sloping roof plane: the line of which would be broken by the formation of 4 dormers with hipped pitched roofs and related to the alignment of sash windows at ground, first and second floor levels. The existing yard area would be enclosed to form a 4 cycle storage area and bin store secured by a pair of inward opening doors. The proposed elevational drawings are shown at Fig. 1.

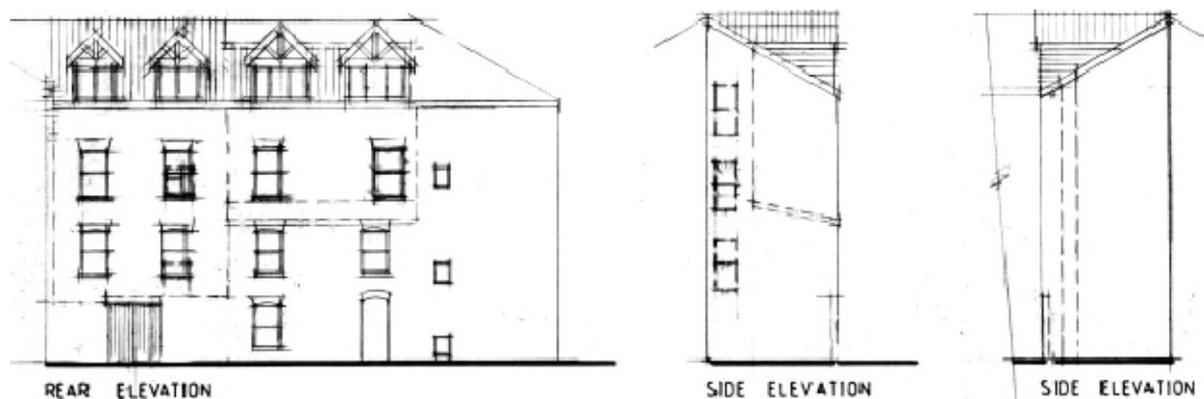


Fig.1 Elevational drawings relating to the rear of 231 Upper Brook Street.

Internally, the proposed layout would comprise:

- i. Basement – 2 x one bedroom apartments with kitchen / living /dining room, which would be accessed via rear doorway and hallway. The hallway would also provide access to a store. There would be no direct access between the basement and ground floor;
- ii. Ground floor – 1x one bedroom apartment with separate bathroom, kitchen, living room and hallway and 1 x two bedroom apartment with separate bathroom, kitchen, living room and hallway. The proposed apartments would be accessed via the principal entrance leading a communal hallway and stairs to upper floors;
- iii. First floor – 2 x one bedroom apartment with separate bathroom, kitchen, living room and hallway and 1 x two bedroom apartment with combined kitchen and living room separate bathroom and hallway. Access would be gained via a communal landing;

- iv. Second floor (roof space) – 1 x one bedroom and 1 x two bedroom apartments with combined kitchen and living room separate bathroom and hallway;
- v. Access to the first and second floor apartments would be gained via a communal landing area.

The proposed layout of the apartments is shown at Fig.2.

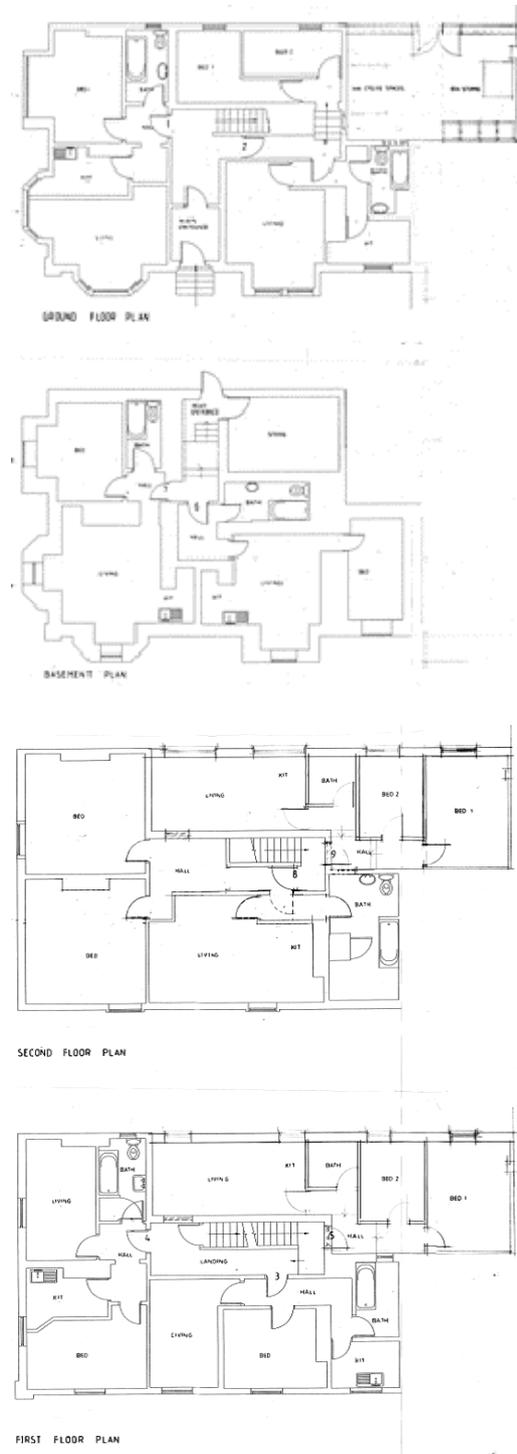


Fig. 2 – Proposed internal layout drawings relating to 231 Upper Brook Street

Consultations

Local Residents – No comments received.

Highway Services – The following comments have been received:

- i. The site is considered to be suitably accessible by sustainable modes and is in close proximity to a range of public transport facilities;
- ii. Whilst the development is unlikely that any increase in vehicular trips is unlikely impact on highway network capacity, it is considered that, given the number of proposed apartments, the absence for on-street car parking provision is considered to be unsatisfactory;
- iii. Secure cycle storage is proposed for 4 cycles and it is recommended that this be increased to 9 storage spaces, i.e., 1 per unit;
- iv. The proposals submitted for the management of waste include an acceptable designated waste storage area along with the arrangements for waste transportation and collection.

Environmental Health – Should planning permission be granted, Environmental Health request conditions in relation to the following:

- i. A plan to appropriately managed demolition and construction related to the proposed development;
- ii. The submission, approval and implementation of a scheme for noise insulation of the apartments against noise from Upper Brook Street and any other nearby potential sources of noise, which may require consideration. A separate condition is also requested to ensure noise insulation to any external equipment that might be required to facilitate to the development;
- iii. The implementation of the development in accordance with the submitted waste management arrangements.

Greater Manchester Police – No comments received.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in July 2018. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. However, paragraph 10 states that 'at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should

accord with the development plan should be approved without delay unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.

The Framework has been related to the proposed development, with particular emphasis given to the following:

- i. Chapter 8: Promoting healthy and safe communities - States that planning decisions should aim to achieve healthy, inclusive, accessible and safe places, where crime and disorder (and the fear of crime) do not undermine the quality of life or community cohesion (paragraph 91). It is considered that the proposal would secure satisfactory natural surveillance of entrance doors and the design could be enhanced by suitable security measures. However, it is not considered that the development would accord with chapter 8 due to the harmful impact on residential amenity due to associated noise, activity and disturbance caused by the proposed intensification of the use.
- ii. Chapter 9: Promoting sustainable transport – States that in assessing specific applications for development, it should be ensured that:
 - a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) Safe and suitable access to the site can be achieved for all users; and
 - c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree (paragraph 108).
- iii. It is considered that, given the magnitude of the development, it is likely that the development would generate additional demand for on-street car parking thereby exacerbating traffic congestion and vehicular movement, particularly along Swinton Grove. On this basis, it is not considered that the development would positively accord with Chapter 9.
- iv. Chapter 12: Achieving well-designed places – States that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (paragraph 124). Paragraph 127 further states that planning decisions should ensure that developments:
 - a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) Are visually attractive as a result of good architecture, layout and landscaping;
 - c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- d) Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials;
- e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development.

It is considered that the development would result in the formation of disproportionately large extensions to the rear elevations and roof that would produce overly prominent and overbearing impact on the streetscene. It is considered that the loss of articulation to the rear of building and the close proximity of new and continuous built form the site boundaries, would undermine the character of the streetscene, including the characteristic spaces within it. The development thereby would not positively to the guidance within chapter 12.

Planning Practice Guidance (PPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. The PPG seeks to both simplify and clarify planning guidance easier and simpler. It is intended to be read in conjunction with the National Planning Policy Framework (NPPF) and is relevant to key planning issues of significance to applicants and local authorities. In the following assessment of the proposed development has been given to the following aspects of the PPG:

- i. Consultation and pre-decision matters - The PPG reasserts that local planning authorities are required to undertake a formal period of public consultation, prior to deciding a planning application.
- ii. Design - Good quality design is considered to be an integral part of sustainable development;
- iii. Flood Risk Planning and Flood Risk - The proposed development has been assessed to determine if it represents a flood risk;
- iv. Health and well-being - States those local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in planning decision making;
- v. Noise - Mitigating the noise impacts of a development will depend on the type of development being considered and the character of the proposed location. The PPG sets out the potential approaches to responding to noise and appropriate mitigation, which have been applied in the consideration of the proposed development and the intensification of the residential use.

Manchester's Local Development Framework: The Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided

in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies are relevant to the proposed development:

Policy SP 1 (Spatial Principles)

Policy SP1 specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- a. Makes a positive contribution to neighbourhoods of choice including the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;
- b. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- c. 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.

It is not considered that would relate positively to neighbourhoods of choice as eh proposal would not relate appropriately to character of the area. Nor would it secure an intensity of use that responds to the constraints of the site or its capacity to accommodate new development. On this basis, the development would not accord with policy SP1.

Policy EN1 (Design Principles and Strategic Character Areas)

Policy EN 1 states that opportunities for good design to enhance the overall image of the City should be fully realised through the implementation detailed design principles that reinforce and enhance the local character of that part of the City and supports the achievement of the Core Strategy Strategic Objectives.

In this case, it is not considered that the proposed extensions would not achieve a satisfactory quality of design that would: relate satisfactorily the appearance and proportions of the existing building, secure a positive contribution to the character of the area or enhance the visual amenities of the area. Compliance with policy EN1 would not, therefore, be achieved.

Policy EN 14 (Flood Risk)

Policy EN 14 states that in line with the risk-based sequential approach, development should be directed away from sites at the greatest risk of flooding and towards sites with little or no risk of flooding. The application site is located in Flood Zone 1 and is therefore not in an area of significant risk of flooding.

Policy EN19 (Waste)

Policy EN19 requires consideration of the submitted details relating to determine if the applicant has satisfactorily demonstrated how:

- i. Both construction and demolition waste will be minimised and recycled on site wherever possible;
- ii. The sustainable waste management needs of the end user will be met.

Policy EN19 has been related to the proposed waste management arrangements, which are considered to be acceptable in terms of capacity and storage.

Policy H1 (Overall Housing Provision)

Policy H1 relates to the City Council strategy for the delivery of new housing between March 2009 and March 2027. The proposed development responds positively to policy H1 by:

- i. Contributing to the creation of mixed communities by providing house types to meet the needs of a diverse and growing Manchester population;
- ii. Supporting growth on previously developed sites in sustainable locations and which takes into account the availability of developable sites in these areas;
- iii. Ensuring that the design and density of the a scheme contributes to the character of the local area;
- iv. Making appropriate provision for parking cars and appropriate levels of sound insulation;
- v. Being designed to give privacy to both its residents and neighbours.

It is not considered that the development would accord with policy H1, as fails to secure an appropriate standard of design or satisfactory provision of car parking.

Policy H 5 (Central Manchester)

Policy H 5 states that Central Manchester, over the lifetime of the Core Strategy, will accommodate around 14% of new residential development. Priority will be given to family housing and other high value, high quality development where this can be sustained. The development relates to a property previously sub-divided into flats and therefore there would not be a resulting loss of family housing. In this case, as stated, the concerns relate to the impact of the intensity of the proposed use and the magnitude of the proposed extensions on the character of the area, which are considered to be unacceptable.

Policy T1 (Sustainable transport)

Policy T1 relates to the delivery of sustainable, high quality, integrated transport system, which encourages a modal shift away from car travel to public transport, cycling and walking and prepare for carbon free modes of transport. Policy T1 also requires giving consideration to the reduction of the negative impacts of road traffic, for example, congestion, air pollution and road accident casualties. In this case, it is acknowledged that the site is close to the city centre, benefits from access to bus

services and the proposal would provide 4 cycle store spaces. However, the reconfiguration and addition of residential space to provide a total of 9 apartments would inevitably lead to demand for car parking from residents that cannot be accommodated within the application site. The resulting additional vehicular movement, on-street car parking and congestion would thereby be contrary to policy T1.

Policy DM1 (Development Management)

Policy DM1 states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. Relevant considerations in this case are:

- a. Appropriate siting, layout, scale, form, massing, materials and detail;
- b. Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development to ensure that development has regard to the character of the surrounding area;
- c. Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- d. Accessibility: buildings and neighbourhoods should be fully accessible to disabled people with new development providing access to all via sustainable transport modes;
- e. Community safety and crime prevention;
- f. Design for health;
- g. Adequacy of internal accommodation and external amenity space;
- h. Refuse storage and collection.

Policy DM1 points a - h (inclusive) have been related to the assessment of the proposals with regard to its potential impact on residential amenity and the contextual relationship of the site to the local built environment and highway network. It is considered that, for the reasons set out in this report, the above points have not been positively and satisfactorily responded to by the applicant. Policy DM1 would not, therefore, be positively responded to due its harmful impact on residential amenity.

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

Policy DC1 (Residential Extensions) -

Policy DC1.1 sets out the criteria for the assessment of planning applications for residential extensions and requires that consideration be given to (amongst other things): the general character of the property; the effect of the development upon the amenity of neighbouring occupiers and the appearance of the streetscene; the desirability of enabling adaptation of properties to meet changing needs. It is not considered that the development would be appropriately related to the surrounding built environment. Moreover the proposed extension and the related increase in intensity of occupation would be harmful to residential amenity. The development would thereby fail to accord with policy DC1.1.

Policy DC1.2 states that residential extensions to residential will not be allowed if they are considered to be: excessively large or bulky or otherwise fail to be subservient to the original building houses or are not out of character with the style of development in the surrounding streetscene by virtue of design, use of materials or constructional details. As previously stated it is considered that proposed extension is overly large and poorly related to the character of the original building and the streetscene. The development thereby fails to accord with policy DC1.2.

Policy DC1.6 is relevant to the development as it states, for the avoidance of doubt that policies DC1.1 to DC1.4 apply to domestic houses, flats, houses in multiple occupation, nursing homes, rest homes and hotels.

Policy DC5 (Flat conversions) -

Policies DC5.1 and DC5.2 – States that in determining planning applications to convert property to flats consideration should be given to the impact of new development on residential amenity. It also requires an assessment of the adequacy of car parking and acknowledges that off-street car parking is normally required where practicable and is essential where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created. The general effects of the development on the character of the neighbourhood need to be taken into account. It is also required that satisfactory provision of refuse storage and collection facilities.

In this case, it is considered the development would fail to accord with policies DC5.1 and DC5.3 due to its failures to be supported the additional off-street car parking in an area with existing on-street car parking issues. It also fails to secure a quality of design that is appropriately to the surrounding area or satisfactorily safeguards residential amenity.

Policy DC26 (Development and noise)

Policy DC26 requires that consideration be given to the potential for new development to generate noise to the detriment of residential amenity and the extent to which it might be attenuated. In this case, it is acknowledged that that insulation could be incorporated within the building to attenuate against the transfer of noise within it. However, in this case potential noise generation would be attributable to activity in and around the site, including the generation of traffic on the street, slamming of car doors etc.. It is not considered that noise generation of noise in these circumstances would harmfully impact upon residential amenity.

Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance - The Guide aims to support and enhance the on-going shaping of the City by providing a set of reasoned principles which will guide developers, designers and residents to the sort of development we all want to see in Manchester.

The following paragraphs are of particular relevance:

- i. Section 2 Design - Discusses the importance of the design of new development in relation to surrounding neighbourhoods and the character of

its streets, in terms of its layout, design, scale, massing and orientation of its buildings to achieve a unified urban form to enliven the neighbourhood and its sustainability. The density of the development should also be informed by the characteristics of an area and the specific circumstances of the proposals. It is considered that these design principle have not been satisfactorily incorporated into the development.

- ii. Section 8 Community Safety and Crime Prevention - Relates the importance of creating safe environments through the incorporation of informal surveillance and crime prevention measures as an integral part of new development. These objectives have been related to the assessment of the proposed design and layout of the development.

Positive and proactive engagement with the applicant - An amendment to the DMO, which came into effect on 1st December 2012, requires every decision notice relating to planning permission and reserved matters application to include an explanation as to how the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems which arise during the determination of the planning application.

In this case, officers 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 was advised that it is not considered that the application site application site has the capacity to accommodate the proposed magnitude of development and the intensity of occupation. Given the tight constraints of the site, it is not considered that these concerns could the satisfactorily overcome through further negotiations and therefore the application could not be supported.

Principle of the development - The proposed development presents a number of concerns to the local planning authority. Given the tight constraints of the site and limited amenity space, it is not apparent that the increased intensity of use and occupation can be accommodated. Any additional car parking generated by the use would be displaced on to the highways as it cannot be accommodated within the site. The scale and design of the proposed rear extensions and the resulting relationship to neighbouring housing also presents concerns with regards to residential and visual amenity. For the reasons set out below, it is considered that the development would have a harmful and unacceptable impact on residential amenity and the character of the area.

Intensity of the use and occupation – The authorised use of the property permits the occupation of 5 apartments. The submitted drawings indicate that 7 apartments had been formed since the granting of planning permission. It is acknowledged that the property has been historically used as apartments with a commensurate level of activity. However, in order to facilitate the formation of 9 apartments a substantial addition to the property would be required that would bring additional built form into closer proximity to neighbouring housing. In the absence of amenity space to the rear of the application property, there would be a greater potential for neighbouring residents to be affected by more intensive activity, noise and disturbance from within and around the site.

Siting – It is acknowledged that the proposed extension would respond to the existing rear building line running along the boundary of the site and to the back of the adjacent footpath. However, it is considered that, in the absence of a formal demarcation of public and private space, the maintenance of spaces formed within the rear elevation between the adjoining outriggers need to be retained to give relief to the otherwise harmful and overbearing impact of built form on the footpath, streetscene and neighbouring housing. The closer siting of additional built form would combine with the additional height of the roof extensions to emphasise the loss of spaciousness within the site and result in its cramped overdevelopment.

Height, scale and massing – The proposed extension would follow the eaves line of the highest point of the existing roof. However, the impact of the additional height to the building would be viewed in conjunction with additional bulk and massing of its composition, which is considered to be disproportionate when viewed from neighbouring gardens and the street. The proposed formation of dormer extensions and their close arrangements would further emphasis the height bulk and massing of the overall development and its overbearing and overly dominant presence on the surrounding context.

Design – The proposed rear extension would significantly change and detrimentally affect the elevational composition of the rear of the property and its roofscape. The development would lack articulation, which may otherwise have reduced the disproportionate bulk and massing of the rear extension. The design of the proposed dormer extensions seeks to reference the style of the existing dormers on the side and rear of the property. However, the existing dormers have a paired and singular arrangement, which contrast with the cluttered concentration of 4 dormer windows within the rear elevation and thereby emphasises the excessive bulk and massing of the combined rear extensions. The development would thereby fail to achieve an appropriate quality of urban design and is therefore considered to be unacceptable.

Residential amenity – The existing arrangements of habitable room windows to the rear elevation predominantly face towards the gable end of the nearest 2-storey house at 17 Swinton Grove. Where other windows face towards the rear gardens of housing along Swinton Grove, distances of between 10.3 metres and 15 metres would be maintained to the nearest site boundary. Although the proposal maintain a distance of 10.3 metres along the overall width of the extended rear elevation, the relationship to neighbouring gardens would be significantly and harmfully changed by the introduction of 13 additional windows within the rear elevation and at roof level at a closer proximity. It is considered that these changes to the existing circumstances would have a harmful and unacceptable impact on residential amenity and would compromises the existing relationships between existing residential built form. The site does not have the capacity to accommodate any additional car parking and the resulting potential generation of traffic would also increase activity around the site and exacerbate local parking difficulties. It is therefore considered that the application site and the surrounding area cannot absorb the proposed intensity of occupation.

Car parking – In assessing the characteristics of the site, its close proximity to the city centre and its accessibility by bus, cycle and walking has been taken into account. Whilst a reduced level of car parking might be considered acceptable in sustainable transport location, in this case it is considered that 9 apartments are

likely to generate a demand for car parking that would not be accommodated by the single parking space. The applicant has acknowledged that additional car parking could not be safely accommodated within the site. It is therefore likely that additional traffic would be generated that would increase pressure of on-street car parking in a location with significant residents and commuter car parking in neighbouring streets. It is therefore considered that the development would exacerbate existing concerns regarding localised traffic congestion and would localised highways difficulties.

Cycle parking – The provision of a 4 space cycle store within the bin storage area would improve the existing arrangements. However, this limited number of cycle spaces would not off-set the omission of additional car parking and cycle storage would not be available to all residents. There are also concerns regarding the security of the cycle store. It is likely that the external doors would remain open to enable access to the bins to be also located within it and such circumstances residents may be deterred from storing cycles in this area if it is not considered to be a secure space. It is therefore considered that the envisaged cycle storage provision may not be delivered as part of development.

Waste management – The proposed waste management arrangements are considered to be acceptable in terms of capacity and would represent an improvement over the existing circumstances, which involves on-street bin storage. The proposals have been related to the provision of bins and containers with the following storage capacities:

- i. 1 x 1100 litre bin for general waste;
- ii. 2 x 240 litre bins for pulpable recycling;
- iii. 2 x 240 litre bins for mixed recycling;
- iv. 2 x 23 litre caddy containers for food waste.

Environmental Health indicated that the waste management arrangements would be satisfactory. However, as stated above, there is some concern regarding the security of the storage area and the potential for its mis-use or a future focus of anti-social behaviour.

Conclusion - It is considered that the development would lead to the excessive and overly intensive occupation of the application property. It is also considered that the proposed rear extensions and its roof would lead to the formation of disproportionately large additions to a building within a tightly constrained site, which would be poorly related to neighbouring housing and the surrounding streetscene.

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 refusal of the application is proportionate to the wider benefits of refusal and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation MINDED TO REFUSE

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 was advised that it is not considered that the application site has the capacity to accommodate the proposed magnitude of development and the intensity of occupation. Given the tight constraints of the site, it is not considered that these concerns could be satisfactorily overcome through further negotiations and therefore the application could not be supported.

Reason for recommendation

- 1) The proposed development would increase the number of apartments within the application property to produce an excessive level of occupation and intensity of use that would be harmful to the amenities of neighbouring residents and the character of the surrounding area due to: additional noise disturbance and activity around the application property associated with additional comings and goings. The development would thereby be contrary to policies SP1, EN1 and DM1, Saved Unitary Development Plan policies DC1, DC5 and DC26 and chapter 12 of the National Planning Policy Framework.
- 2) The proposed formation of 9 apartments would not be supported with adequate and satisfactory on-site car parking and would thereby lead to additional on-street car parking, which would lead to an unacceptable increase in on-street car parking, traffic generation and congestion to the detriment of pedestrian and highway safety and residential amenity. The proposed development would thereby be contrary to policies SP1, T1 and DM1 Saved Unitary Development Plan policy DC5 and chapter 9 of the National Planning Policy Framework.
- 3) The proposed extensions to the rear elevation and roof would, by virtue of their height, siting, scale, massing and design, form overly dominant, excessively bulky and incongruous features that would harmfully affect the relationship of the application property to neighbouring housing and have an unacceptable impact upon the streetscene. The proposed development would thereby adversely affect visual amenity contrary to policies DM1, EN1 and SP1 of Core Strategy for the City of Manchester, policy DC1 of the Saved Unitary Development Plan and chapter 12 of the National Planning Policy Framework.

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: 117249/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
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:

Relevant Contact Officer : Carl Glennon
Telephone number : 0161 234 4530
Email : c.glennon@manchester.gov.uk



 Application site boundary  Neighbour notification
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