

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132317/FO/2021
Date registered valid: 2 December 2021
Proposal: External stair from rear yard to give access to first floor flat.
Address: 165 Broom Lane, Manchester, M19 3LX
Ward(s): Levenshulme Ward

Applicant: Mr Ali Raza 430 Gordon Street, Stockport, SK4 1RR
Agent (if any): Mr Nasar Ishfaq Jaan Architects Ltd 37 Sudbury Drive, Stockport, SK8 3BT
Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 14 February 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 19 January 2021

Standard consultations:

Printed: 8 December 2021 Expired: 29 December 2021

Neighbour notifications

Printed: 21 December 2021 Expired: 11 January 2022

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area



Fig. 1 – Application site viewed from Highfield Road

This application relates to an end of terraced property comprising 2-storeys with roofspace accommodation situated at the junction of Broom Lane and Highfield Road. The property has a pitched roof with a gable elevation and rear wall enclosed yard with access on the Highfield Road boundary.

Description of development

The ground floor is in use as retail shop and office license. The upper floor is currently in use as a single flat with access via a doorway within the ground floor rear elevation and associated staircase. The upper floor would remain in use as a single flat. The proposal would involve the removal of the existing ground floor access to the upper floors; thereby marginally increasing ground floor retail floorspace and form a direct access from the shop into the rear yard. The first floor would be accessed via a metal staircase with a black finish. It would rise from the rear yard to a new first floor doorway positioned between existing windows. The staircase would incorporate railing balustrades and a platform at 1.2 metres above ground level and returning section across the rear elevation with a platform level at 3 metres. The upper a section of the staircase would incorporate a 3 section screen to avoid potential overlooking. The staircase would project by 4.5 metres from the rear wall. Access to the staircase would be via the gate to the Broom Lane boundary.

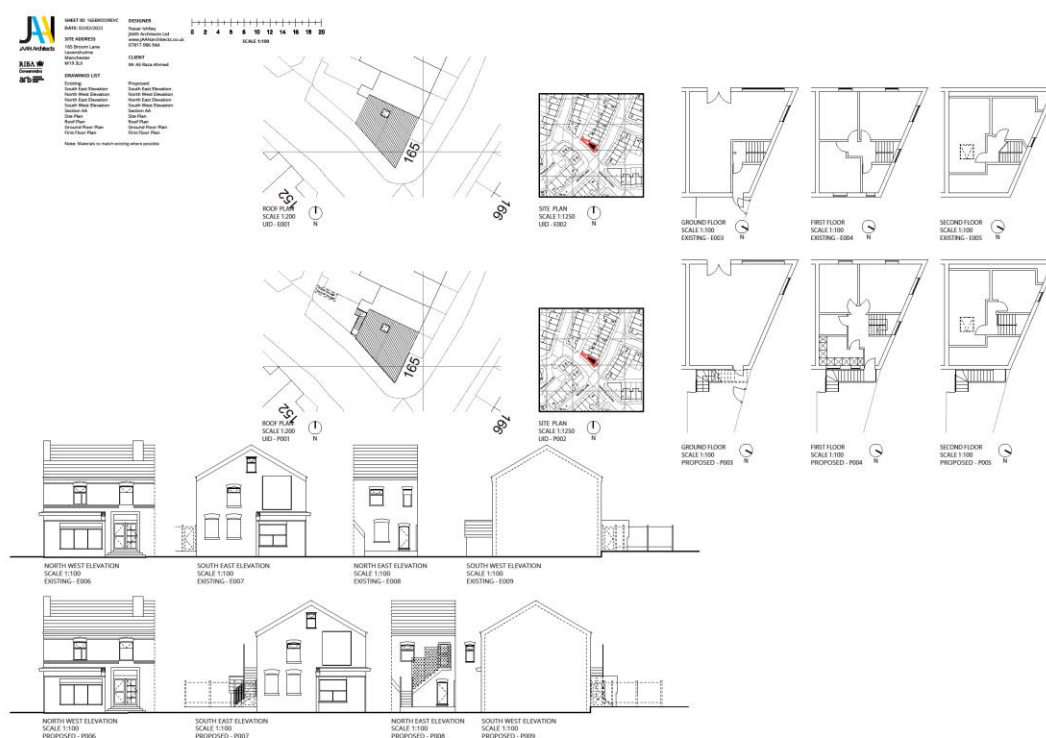


Fig.2 – Existing

and proposed layouts

Consultations & Notification Responses

Local residents – No comments received.

Environmental Health – No comments

Greater Manchester Police Design for Security – 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 2021. It sets out the Government's planning policies for England and how these are expected to be applied. It provides a mechanism through 'which locally-prepared plans for housing and other development can be produced.' It states that 'at the heart of the Framework is a presumption in favour of sustainable development.' However, 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. Furthermore, the statutory status of the development plan remains as the starting point for decision making. In 'decision-taking', this means that development proposals that 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.

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 92). It is not considered that the development would significantly affect the existing circumstances due the lightweight and permeable nature of the external staircase. Chapter 8 would thereby be accorded with.

i. 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 126). Paragraph 130 further states that planning decisions should ensure that developments:

- a) Will function well and add to the overall quality of the area 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).

As stated, the development would represent a lightweight addition to the rear of the building with a limited visual impact. The composition of the staircase would be suitably designed incorporating a black metal finish and balustrade railings. The development would improve the function of the building and the separation of the Class C3 and Class E uses. The development would and thereby accord with chapter 12.

Planning Practice Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource and is relevant to key planning issues of significance to applicants and local authorities. In considering this application the following aspects of the PPG have been appropriately responded to:

- i. Consultation and pre-decision matters;
- ii. Health and well-being.

Manchester's Local Development Framework: 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 aspects of the Core Strategy are considered to be relevant:

Policy SP 1 Spatial Principles - States the key spatial principles which will guide the strategic development of Manchester to 2027. The key areas of policy SP1, pertinent to this application, are:

- i. The creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment.
- ii. The development should make a positive contribution to neighbourhoods of choice including:
 - a. Creating well designed places that enhance or create character.
 - b. Making a positive contribution to the health, safety and wellbeing of residents
 - c. Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
 - d. Protect and enhance the built and natural environment.
 - e. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

It is considered that the development would relate appropriately to the existing building and improve the access to the existing accommodation without unduly harming residential amenity. It would thereby accord with policy SP1.

Policy EN1 (Design Principles and Strategic Character Areas) - States that, amongst other things, opportunities for good design to enhance the overall image of the City. Policy EN1 has been related to the assessment of the quality of the elevational design and its contribution to the built environment.

In this case, it is considered that the quality of the proposed design would be appropriately related to the existing building and would not unduly harm the character or appearance of the surrounding context. The development would thereby accord with policy EN1.

Policy EN19 Waste - Relates to waste management and requires that consideration is given to consideration of the submitted details relating to the applicant's proposals for the provision of a waste management plan to demonstrate how:

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

The existing waste storage arrangements would be retained and unaffected by the development. The development would thereby continue to comply with policy EN19.

Policy DM 1 Development Management - Discusses a range of issues that all development should have regard to. The following specific issues are relevant to the consideration of this application:

- i. The impact of the development on the character of the surrounding area;
- ii. Effects on amenity, including privacy;
- iii. Adequacy of internal accommodation and external amenity space;
- iv. Refuse storage and collection;
- v. Vehicular access and car parking.

It is considered that the development would be appropriately related to its context in terms of design, height, scale, massing and potential impact on residential amenity to secure compliance with policy DM1.

Unitary Development Plan (saved policies) - The following saved policies are considered to be relevant as it relates to a residential flat:

Policy DC1 - Residential Extensions

Policy DC1.1 - States that in determining planning applications for extensions to residential properties, the Council will have regard to:

- a. The general character of the property;
- b. The effect upon the amenity of neighbouring occupiers;
- c. The desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
- d. The overall appearance of the proposal in the street-scene;
- e. The effect of the loss of any on-site car parking.

Policy DC1.2 - States that extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan and the following criteria:

- a. They are not excessively large or bulky (for example, resulting in structures which are not subservient to original houses or project out too far in front of the original buildings);
- b. They do not create an undue loss of sunlight, daylight or privacy;
- c. They are not out of character with the style of development in the area or the surrounding streetscene by virtue of design, use of materials or constructional details;
- d. They would not result in the loss of off-street car-parking, in a situation where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created.

Policy DC1.3 - Sets out the circumstances whereby, notwithstanding the generality of the above policies, the Council will not normally approve planning permission for residential extensions. The relevant aspects in this case are the extent of the extension and the potential impact on privacy.

As stated, the height, scale and proportions of the extension would be acceptable and would allow the adaptation of the property to secure sustained occupation. The proposed development would thereby comply with saved policy DC1.

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 that is wanted in Manchester. It is considered the proposed development accords with the relevant sections of the guide, particularly with regard to design and assessment of amenity.

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 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. This includes the identification of issues and 'problems' associated with the proposals that have required positive consideration, dialogue and negotiation to secure positive outcomes.

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. In this case, discussion were undertaken to clarify ground floor access to the rear yard. Following the submission of additional details sufficient information has been provided to facilitate its assessment without further negotiation was not required.

Principle – It is considered that the development would be related to the mixed retail and residential use of the site and would facilitate the on-going and sustained use of the property.

Height, scale and massing – The height of the staircase is not considered to be excessive and its permeable design would reduce its massing . On this basis, the development represents a proportionate addition to the building.

Siting – The position of the staircase would not compromise the operation of the rear yard and would be sufficiently high to allow movement beneath it. The proposed siting is therefore considered to be acceptable.

Residential amenity – The platform to the staircase would provide access to the flat but would not be sufficiently large to be used as a balcony area. It is not considered, therefore, that there would be a significant change in the existing circumstances relating to the arrangement of existing and neighbouring first floor windows. A condition has been included to ensure the approval of the screen details before installation. The development therefore would not unduly harm residential amenity.

Crime reduction and security – The existing circumstances with to regard access to the flat via the rear yard would be maintained. The elevated access would lead to the formation of a doorway that would be visible from Highfield Road thereby securing a higher degree of natural surveillance. The development would thereby improve the security of the existing access arrangements.

Design and appearance – Appropriately related to the existing building. A condition has been included to relate the development to the specifications shown on the approved drawing and planning application forms.

Operation of the site and retail use – A condition has been included to limit the upper floor use to one, self-contained apartment. As existing rear doorway would be retained any additional floorspace formed following the removal of the ground floor staircase would be ancillary to the existing Class E use and would thereby be acceptable.

Use of the apartment – A condition has been included to ensure that the use of the upper floor flat remains as one, self-contained flat as confirmed by an email from the applicant's agent.

Conclusion – On balance, the development is considered to be acceptable, in terms of its design and contribution to the sustained occupation of the residential accommodation and operation of the Class E shop.

Human Rights Act 1998 considerations

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

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

Recommendation: Approve

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this case, discussion were undertaken to clarify ground floor access to the rear yard. Following the submission of additional details sufficient information has been provided to facilitate its assessment without further negotiation was not required.

Condition(s) to be attached to decision for approval

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 stamped as received by the City Council as local planning authority on 24 November 2021 and 4 February 2022:

Planning application forms;

Proposed and existing drawings (including location plan with a red edge) Ref: 165BROOREVC; Email from Jaan Architects dated 3 February 2022 confirming the continued use of the upper floor as one apartment (Class C3)

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

3) The development shall be implemented in accordance with the materials and specification as indicated in the submitted planning application forms and drawing referenced planning application forms and Proposed and existing drawings (including location plan with a red edge) Ref: 165BROOREVC. The implemented details shall be maintained in situ at all times thereafter.

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

4) Notwithstanding the detail of drawing referenced: Proposed and existing drawings (including location plan with a red edge) Ref: 165BROOREVC and before the commencement of above

ground construction works , details of the materials and specification of the privacy screen to be installed to the staircase shall be submitted to and approved in writing by the City Council as local planning authority. The approved screen shall be installed before the development is brought into use and maintained in situ at all times thereafter.

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

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no part of the first floor and roof space accommodation within 165 Broom Lane (as indicated on drawing referenced: Proposed and existing drawings (including location plan with a red edge) Ref: 165BROOREVB) 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 2015 (as amended), The Town and Country Planning (Use Classes) (Amendment) (England) Order 2020 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 of C3(a) not precluding occupation by two unrelated people sharing a property.

Reason - In the exceptional circumstances of a proliferation of HMOs restricting housing choice and adversely affecting sustainability and in the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through the provision of accommodation that is suitable for people living as families pursuant to paragraph 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1 and DM1 of the Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Greater Manchester Police

171 Broom Lane, Manchester, M19 3LX
169 Broom Lane, Manchester, M19 3LX
4 Garfield Avenue, Manchester, M19 3LF
2 Garfield Avenue, Manchester, M19 3LF
167 Broom Lane, Manchester, M19 3LX
Top Flat, 165 Broom Lane, Manchester, M19 3LX
166 Broom Lane, Manchester, M19 3LJ
150 Chapel Street, Levenshulme, Manchester, M19 3QZ
144 Chapel Street, Levenshulme, Manchester, M19 3QZ
173 Broom Lane, Manchester, M19 3LX
168 Broom Lane, Manchester, M19 3LJ
152 Chapel Street, Levenshulme, Manchester, M19 3QZ
148 Chapel Street, Levenshulme, Manchester, M19 3QZ
146 Chapel Street, Levenshulme, Manchester, M19 3QZ
142 Chapel Street, Levenshulme, Manchester, M19 3QZ
164 Broom Lane, Manchester, M19 3LJ
Discount Booze,, 165 Broom Lane,, Manchester M19 3LX

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Historic Landfill Site 250m Buffer -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: NORTH2