

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132302/P20A/2021

Date registered valid: 19 November 2021

Proposal: Prior approval for the erection of 33 no. 1 and 2 bed apartments within a two storey rooftop extension

Address: New Lawrence House, 2 Shawheath Close, Manchester, M15 4TL

Ward(s): Hulme Ward

Applicant: Mr Andrew Broadhurst, Zagora Management Ltd, C/o Agent

Agent (if any): Mrs Caroline Payne, Emery Planning South, Park Court, 2-4 Hobson Street, Macclesfield, SK11 8BS

Case officer: Jennifer Connor
Tel: 0161 234 4545
Email: jennifer.connor@manchester.gov.uk

Recommendation: Approve

Date of recommendation: **11.01.2021**

Application details

Type of application: Prior approval - new dwellings to flats

Development type: Notifications

Date of site visit: 30th November 2021

Standard consultations:

Printed: 25 November 2021 Expired: 16 December 2021

Neighbour notifications

Printed: 25 November 2021 Expired: 16 December 2021

Site notice

Posted: 30 November 2021 Expired: 21 December 2021

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

Prior approval for the erection of 33 no. 1 and 2 bed apartments within a two storey rooftop extension

Consultations & Notification Responses

No comments received in response to notification and site notice posted.

Environmental Health – Recommend conditions relating to Construction Management, acoustic insulation, waste management and air quality (air quality not previously requested on refused prior approval).

Highway Services – Provided comments in relation to the previous scheme not objecting subject to the imposition of a condition relating to the submission of a Construction Management Plan.

Comments received on this revised scheme also request electric vehicle charging provision (not reasonable to existing car park), works to the highway to resurface the footway, reinstate redundant access points and provide dropped kerbs and works to a bus stop (not reasonable considering previous comments and merits of the scheme) and the submission of a travel plan (considered to be reasonable on the merits of the scheme).

MCC Flood Risk Management – Requested details of drainage and how drainage was addressed at the time of the original consent for the building. They feedback that they queried how the additional load to the building would effect a possible culvert. They recommended conditions for a drainage scheme and investigation about the location of a culvert.

Manchester Airport Safeguarding Officer – No aerodrome safeguarding objections to the development. Advisory comment relating to cranes and tall equipment.

Trafford Council – No objection, note a similar application at a nearby site. They have raised concerns with their applicants about lack of fire safety information, and any additional height increase which they consider to have an adverse impact on the character / appearance of this area.

Issues

This application follows the refusal of a previous submission 129429/P20A/2021, the scheme has now been altered.

The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 came into force on the 31st August 2020.

This amendment conferred the right to construct up to two additional storeys of new dwellinghouses immediately above the topmost storey on a detached building together with:

- any engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses
- works for replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses
- works for the construction of appropriate and safe access and egress from the new dwellinghouses and existing premises in the building, including means of escape from fire, via additional external doors or external staircases
- works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses

The right was conferred subject to conditions, compliance with these conditions is set out in the prior approval application submitted, see below for assessment of submission:

The current building was not granted by virtue of permitted development rights under Schedule 1, Part 3, Class M, N, O, P, PA or Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

a) above ground level, the building is less than three storeys in height;

The current building is not less than 3 storey in height, it is 5 storeys in height.

(b) the building was constructed before 1st July 1948 or after 5th March 2018;

The building was constructed between 1 July 1948 and 5 March 2018.

Outline planning consent was granted for development of the site under planning permission reference 068956/OO/2003/S1.

The consent was for development in phase 2 comprising a maximum of 247 residential units and 2,340 m2 commercial floorspace in 4/5 storey blocks as illustrated on drawing 0104/MASS with basement parking of at least one space per dwelling. The accommodation will comprise 139 flats and 500 m2 commercial floorspace to the east of the proposed spine road and 108 flats and 1,840m2 commercial floorspace to the west of the proposed spine road.

The outline planning consent was followed by a reserved matters application 080003/MO/2006/S1.

The consent was for the erection of a part 2,3,4 and 5 storey building to form 139 flats and place of worship with semi-basement parking for 139 cars with associated landscaping following demolition of existing buildings.

- (c) on 5th March 2018 the building was in a use other than—
(i) a use or mixed use within paragraph AA(2)(a) or (b); or
(ii) a use falling within Class C3 of the Schedule to the Use Classes Order;

The approved use of the building is as 104 C3 apartments

- (d) the additional storeys are constructed other than on the principal part of the building;

The additional storeys shown on the submitted drawings are on the principal part of the building

- (e) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—
(i) 3 metres; or
(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;

The scheme would meet this requirement.

- (f) the new dwellinghouses are not flats;

The scheme is for flats

- (g) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building by more than 7 metres (not including plant, in each case);

The scheme would meet this requirement, with the proposal increasing the height of the highest part of the roof by 5.6 metres.

- (h) the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres;

The scheme would meet this requirement, with the highest part of the building having a height of 22 metres.

- (i) development under Class A(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;

The scheme would meet this requirement

- (j) development under Class A(a) would consist of engineering operations other than works within the existing curtilage of the building to—
(i) strengthen existing walls;
(ii) strengthen existing foundations; or
(iii) install or replace water, drainage, electricity, gas or other services;

Building Control were consulted for their opinion. They state that it is entirely possible that there could be engineering operations outside of the curtilage of the property, due to the history of the project, it is likely that exposure of the existing foundations would be asked for and this may well mean the carrying out of excavations that are outside of the curtilage of the property. However, on the basis of information provided with the application the applicant has stated that works will not extend beyond works permitted. On that basis the prior approval could not be withheld.

(k) in the case of Class A(b) development there is no existing plant on the building;

There is no plant on top of the existing building nor is there any on top of the rooftop extension proposed

(l) in the case of Class A(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;

The scheme would meet this requirement

(m) development under Class A(c) would extend beyond the curtilage of the existing building;

The scheme would meet this requirement

(n) development under Class A(d) would—

- (i) extend beyond the curtilage of the existing building;
- (ii) be situated on land forward of a wall forming the principal elevation of the existing building; or
- (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;

The scheme would meet these requirements

(o) the land or site on which the building is located, is or forms part of—

- (i) article 2(3) land;
- (ii) a site of special scientific interest;
- (iii) a listed building or land within its curtilage;
- (iv) a scheduled monument or land within its curtilage;
- (v) a safety hazard area;
- (vi) a military explosives storage area; or
- (vii) land within 3 kilometres of the perimeter of an aerodrome

The scheme would meet these requirements

The developer must apply to the local planning authority for prior approval of the authority as to—

(a) transport and highways impacts of the development;

Highways were satisfied subject to a condition relating to Construction Management in relation to the originally submitted prior approval which was of larger scale than the development proposed. The prior approval process allows for:

Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult -

(b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority.

Transport is covered at Chapter 9 as set out in the NPPF. Paragraph 104 of the document states transport issues should be considered from the earliest stages of plan making and development proposals, so that opportunities to promote walking, cycling and public transport use are identified and pursued. All developments that generates significant amounts of movement should be supported by a Transport Statement or Transport Assessment (which this application was). Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Highways did not offer up objections about the operation or safety of the highway. They have queried the level of car parking provision and queried the possibility of on street parking as a result of the development.

The scheme would result in 89 spaces being available for 137 units, which equates to 65% parking provision. It is proposed that the residential units, both existing and proposed, will be served by the existing undercroft cycle store. There are currently 132 cycle racks (95% provision). The current provision is conditioned to be maintained.

The transport statement submitted sets out the current use of the available car parking. The level of car parking and cycle parking provision in a highly sustainable and accessible location, where there are recent development with similar provision is considered to accord with policies T1, T2 and DM1, subject the imposition of a condition relating to travel planning.

(b) air traffic and defence asset impacts of the development;

There are no aerodrome safeguarding concerns subject to an informative relating to cranes and tall equipment

(c) contamination risks in relation to the building;

No contamination risks have been raised by Environmental Health in their response

(d) flooding risks in relation to the building;

Flood Risk Management did not require any conditions in relation to the originally submitted prior approval application. They recommend conditions relating to flood risk and investigations as to the location of a culvert, which it is considered can be addressed through the imposition of a condition and an informative.

(e) the external appearance of the building,

In determining a similar prior approval application another Council have received advice from the Ministry of Housing, Communities and Local Government in relation to how external appearance can be assessed under legislation.

The MHCLG stated that it is down to the Local Planning Authority to interpret the regulations and use their planning judgement in considering applications for prior approval. It was also stated that the policy intention is that it is the narrower sense, so how the additional stories fit in with the existing building. Rather than whether the proposal fits in with the local vernacular. Appeal decisions have been cited in the supporting statement with the prior approval that reinforce that the building should be considered in its own right rather than in context.

The originally submitted scheme was considered to propose a rooftop extension that would disproportionately increase the scale and mass of the building which would harmfully unbalance the external appearance of the building. It was considered that the extension proposed caused the building to appear over scaled and excessively prominent within the context. This consideration only related to the external appearance of the building when viewed from the street and from neighbouring property only.

Since the refusal of the previous prior approval the applicant conducted pre-application discussions with the local planning authority involving new architects. The scheme refused and proposed are shown below for comparison:



It is now considered that the proposed scale, design and selection of materials (off-white render, polyester powder coated windows and brown cladding) would enhance the visual attractiveness of the building when viewed from the street and from neighbouring property.

The development therefore fails to pass the test outlined at Condition A.2 – (1) (e) of Schedule 2, Part 20, Class A of The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020.

(f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;

The scheme would comply in this regard

(g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;

In terms of impact the amenity of the existing building and neighbouring premises, it is recognised that the development will have a substantial impact on the lives of residents during construction. The local planning authority sympathises with this and has attached a condition requiring submission of a Construction Management Plan. Due to the temporary nature of construction impacts, these would not warrant withholding consent however.

Residents would likely experience some increase in noise and disturbance from increased access, comings and goings. This would be typical domestic activity however and would not be out of character with the existing residential use of the site. This is not found to pose significant harm to living conditions and amenity.

With regards to the amenity of the existing building and its residents, the proposed extension would not result in harmful overlooking or loss of privacy given its position on top of the existing building.

In terms of impact to light within existing flat and to neighbouring property the originally submitted application was not accompanied by a daylight/sunlight analysis that assessed the impact of the development. This application now has a daylight/sunlight assessment submitted.

The resubmitted amended scheme is considered to provide a more sympathetic massing in response to the adjoining buildings and does not cause undue harm to the levels of daylight and sunlight. The report submitted concludes that the scheme has an acceptable impact in terms of impacts on daylight/sunlight available to occupants of the existing building and neighbouring property.

(h) Whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State.

Not relevant in this instance

(i) Where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building

(j) Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

Not relevant in this instance

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition.

Condition(s) to be attached to decision for approval

1. The development must be completed within a period of 3 years starting with the date prior approval is granted.

Reason: To ensure compliance with condition A2(2) of Class A.

2. The development hereby approved shall be carried out in accordance with the following drawings and documents:

- Proposed Site Location Plan – 7572-al(04)0001;
- Proposed 5th floor plan – 7572-al(04)0015;
- Proposed 6th floor plan – 7572(04)0016;
- Proposed Roof Plan – 7572-al(04)0017;
- Proposed City Road elevation – 7572-al(04)0020;
- Proposed St Lawrence Street elevation – 7572-al(04)0021;
- Proposed courtyard elevation – 7572-al(04)0022;
- Proposed Margaret Sands Street elevation – 7572-al(04)0023;
- Proposed internal courtyard elevation – 7572-al(04)0024;
- Proposed Shawheath Street elevation – 7572-al(04)0025;
- Proposed axonometric of rooftop extension – 7572-al(04)0026;
- Proposed perspective from City Road – 7572-al(04)0040;
- Proposed perspective from City Road – 7572-al(04)0041;
- Proposed perspective from St Lawrence Street – 7572-al(04)0042;
- Proposed section location plan – 7572-al(04)0030;
- Proposed sections – 7572-al(04)0031;
- Proposed sections – 7572-al(04)0032;
- Area schedule – 7572-al(04)0003;
- Design and Access Statement prepared by Stephenson Hamilton Risley Studio;
- Daylight & Sunlight Assessment prepared by Daylight & Sunlight Solutions;
- Transport Assessment prepared by Tetra Tech; and
- Planning Statement prepared by Emery Planning.

Received 19 November 2021.

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

3. Final samples and specifications of all materials (including appropriate sections to the windows) to be used on the external elevations of the development hereby permitted shall be submitted for approval in writing by the City Council, as Local Planning Authority prior to the erection of the above ground structure. The approved materials shall then be used in the construction of the development.

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

4. No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:
 - o A construction programme including phasing of works;
 - o 24 hour emergency contact number;
 - o Expected number and type of vehicles accessing the site: o Deliveries, waste, cranes, equipment, plant, works, visitors; o Size of construction vehicles; o The use of a consolidation operation or scheme for the delivery of materials and goods; o Phasing of works;
 - o Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction): Programming; Waste management; Construction methodology; Shared deliveries; Car sharing; Travel planning; Local workforce; Parking facilities for staff and visitors; On-site facilities; A scheme to encourage the use of public transport and cycling;
 - o Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
 - o Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
 - o Locations for storage of plant/waste/construction materials;
 - o Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
 - o Arrangements to receive abnormal loads or unusually large vehicles;
 - o Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
 - o Any necessary temporary traffic management measures;
 - o Measures to protect vulnerable road users (cyclists and pedestrians);
 - o Arrangements for temporary facilities for any bus stops or routes;
 - o Method of preventing mud being carried onto the highway;
 - o Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Manchester City Council encourages all contractors to be 'considerate contractors' when working in the city by being aware of the needs of neighbours and the environment. Membership of the Considerate Constructors Scheme is highly recommended.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development, pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester.

5. The approved cycle storage on the plans listed in condition 2 shall remain available for use whilst the use is in operation.

Reason - To ensure there is adequate bicycle parking provision, pursuant to policies DM1, T1 and SP1 of the Manchester Core Strategy.

6. Before the development hereby approved is first occupied a Travel Plan shall be submitted to and agreed in writing by the City Council as Local Planning Authority. In this condition a Travel Plan means a document which includes:
 - A travel plan budget and resources for the day to day implementation and management of travel plan measures.
 - Appropriate management structures.
 - Detailed timeframes for delivery.
 - Travel plan handover arrangements when developer responsibility ceases.
 - Target and monitoring arrangements.

Reason - To assist promoting the use of sustainable forms of travel, pursuant to policies SP1, T2 and DM1 of the Core Strategy and the Guide to Development in Manchester SPD (2007).

7. The car parking layout indicated on the approved plans shall remain in use at all times thereafter.

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

8. Prior to the occupation of the development hereby approved a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health, pursuant to policy DM1 of the Core Strategy for the City of Manchester.

9. Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from City Road shall be submitted to and approved in writing by the City Council as local planning authority. There may be other actual or potential sources of noise which require consideration on or near the site, including any local commercial/industrial premises. The approved noise insulation and ventilation scheme shall be completed before any of the dwelling units are occupied.

Noise survey data shall include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary. The following noise criteria shall be required to be achieved:

Bedrooms (night time - 23.00 - 07.00) 30 dB LAeq (individual noise events shall not exceed 45 dB L_{Amax,F} by more than 15 times)

Living Rooms (daytime - 07.00 - 23.00) 35 dB LAeq

Gardens and terraces (daytime) 55 dB LAeq

b) Prior to first occupation of the residential units, a verification report shall be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that the internal noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the internal noise criteria.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site pursuant to policy DM1 of the Core Strategy and saved UDP policy DC26.

10. Development shall not begin until details of the surface water drainage scheme for the site have been submitted to and approved in writing by the local planning authority. The development shall be constructed and completed in accordance with the approved details.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN17 of the Core Strategy.

Informative –

1. The applicant's attention is drawn to the new procedures for crane and tall equipment notifications, please see: <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Cranenotification/>
2. The applicants attention is drawn to the possible presence of a culvert.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Highway Services
MCC Flood Risk Management
Manchester Airport Safeguarding Officer
Trafford Council

List of properties notified on Uniform

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH