

Planning Statement

121-123 Clarendon Road

Whalley Range

Manchester

M16 8JD

Section 73 Application for Amendments to Planning application approval 112501/FO/2016/S1

September 2021

Building Design Services (BDS)

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1.0 INTRODUCTION

- 1.1 This planning statement is submitted by Building Design Services on behalf of the applicant Mrs Naheeda Rasul who will be managing the building at 121-123 Clarendon Road, Whalley Range, Manchester. The building in question has been substantially complete in relation to the Planning Permission granted (Re: 112501/FO/2016/S1) for the 'Erection of a three-storey building to form shop (A1) at ground floor level and two x one-bedroom flats and first floor level and one x three-bedroom flat at second floor level' by Manchester City Council. However, the building has not been constructed completely in accordance with the approved plans.
- 1.2 The building is substantially complete, and the applicant agrees that some of the details have not been constructed in accordance with condition 2 of the approval. The applicant states it was extremely difficult during the construction phase with the third builder actually completing construction. The first builder had very poor workmanship and had left them out of pocket, whilst the second left suddenly with many of the issues created by them like the height of the roof and position of openings. As such It has been extremely difficult in terms of with financing the scheme. It has been an extremely huge learning curve for the family.
- 1.3 Due to the building being constructed differently than approved, an Enforcement Notice has been served by the Council (Ref: ENF/15103/21). The applicants understand the issues raised and agree to make corrections by way of amended plans and reports.
- 1.4 Therefore, this Section 73 application seeks approval of the amended plans which takes into consideration the height of the roof, window/door fenestrations, heads/cills and the installed roller shutters.
- 1.5 In terms of the conditions of the approval, given this is a retrospective application, all relevant conditions would also be satisfied as part of this proposal. These include;
- Condition 3** – =All material details are provided
- Condition 4** – Hours of operation for retail use are provided
- Condition 6** - Waste storage details can be provided
- Condition 7** – A full Contamination Risk assessment report has been provided separately as part of this submission.
- Condition 8** – Secure by design details are provided
- 1.6 Unlike other areas of the City, south Manchester cannot be characterised as part of a stable neighbourhood type and there is a shortage of attractive family housing. The area has a very high proportion of social housing and, by regional and national standards, an exceptionally low level of owner occupation. New housing developments are slowly changing this profile and the area. High density housing and apartments are being developed in the neighbourhoods close to the City Centre which include Ancoats, New Islington, Holt Town and Lower Medlock Valley. East Manchester has also seen an increase in the private rented sector, especially in the older terraced stock and the new apartment developments.
- 1.7 The combination of employment and population loss left the area with a significant amount of derelict land and buildings, a low value, low demand housing market, a poor physical environment and low population densities that could not support local facilities such as shops, post offices, banks or schools. The remaining

residents were left living in neighbourhoods that were classified as being in the worst 10% in England, with the majority of residents living in the worst 1% of neighbourhoods.

- 1.8 Given the above the applicant would like to work with the Council in order to secure approval for the proposed use.

2.0 SITE AND SURROUNDINGS

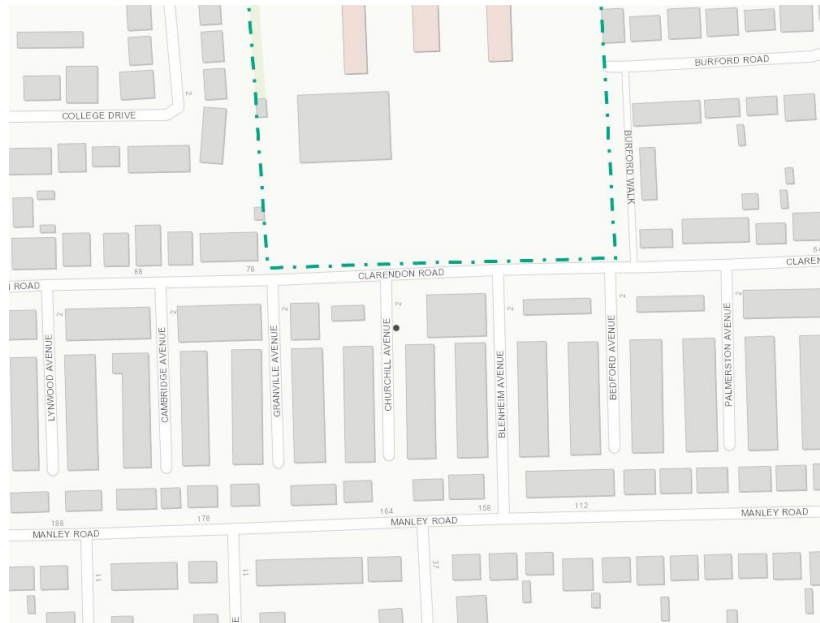
- 2.1 The application site relates a previously open plot of land formerly occupied by garages, covering an area of approx. 0.02ha, located on the corner of Clarendon Road and Churchill Avenue. Adjacent to the east of the site is a terrace row of properties with commercial shops to the ground floor and residential above. To the south behind the site more residential properties and these continue to the west. To the north of the site on the far side of the road is site British Muslim Heritage Centre.



Above image shows the location of the site, under construction with different roof styles.



Above image shows the site before construction. Poor use of materials on gable of adjacent property including boundary treatment used for the site itself. Different heights of terrace properties is also present.



Proposals Map above shows the site dotted in black with Whalley Range Conservation Area to the north (green outline). The site lies outside of the Conservation Area.

3.0 PROPOSED DEVELOPMENT

3.1 This section 73 application seeks approval of the amended plans which takes into consideration the height of the roof, window/door fenestrations, heads/cills and the installed roller shutters. The key differences are provided below;

- The ridge of the roof is 0.6m taller than approved.
- Stone heads and cills omitted to windows and doors
- Side elevation fenestration changes, replacement with smaller windows and slight location changes
- Rear elevation, small new window on ground floor and slight fenestration changes
- Roller shutters included on shopfront
- Changes to internal layout to provide further storage space

3.2 In terms of the conditions of the approval, given this is a retrospective application, all relevant conditions would also be satisfied as part of this proposal. These include;

Condition 3 – All material details are provided

Condition 4 – Hours of operation for retail use are provided

Condition 6 - Waste storage details can be provided

Condition 7 – A full Contamination Risk assessment report has been provided separately as part of this submission.

Condition 8 – Secure by design details are provided

4.0. INVOLVEMENT

- 4.1 Although formal pre-application advice in this instance has not been sought from the Council there have been informal discussions with the Councils planning officers regarding the enforcement notice and ways forward. The officer advised to submit an application for the retention of the development under Section 73A. This should include details to satisfy all the pre-commencement conditions (materials, contaminated land, etc.) so that it is *front-loaded* and, assuming the details are satisfactory, the previous pre-commencement conditions would not need to be carried forward on any new planning permission.
- 4.2 Hopefully the scheme now put forward is an acceptable proposal proving quality accommodation in this area.
- 4.2 Paragraph 39 of the NPPF which states;
- “Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community.”
- 4.3 This planning Statement has been submitted as part of this planning proposal to provide a reasoned justification of the proposal using local and national planning policy and guidance.

5.0 HISTORY

5.1 The relevant history of the site includes;

112501/FO/2016/S1 | Erection of three-storey building to form shop (A1) at ground floor level and two x one-bedroom flats and first floor level and one x three-bedroom flat at second floor level | Vacant Land Adjoining 119 Clarendon Road Whalley Range Manchester M16 8JD – Approved.

6.0 RELEVANT PLANNING POLICY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decisions should be made in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.
- 6.2 Manchester's Core Strategy was adopted on 11th July 2012 and is the key Development Plan Document in the Local Development Framework (LDF). It replaces significant elements of the existing Unitary Development Plan as the document that sets out the long-term strategic policies for Manchester's future development and will form the framework that planning applications will be assessed against.
- 6.3 Manchester is dynamic and creative because it is incredibly diverse with a rich mixture of cultures, origins, languages, customs and lifestyles. People are welcomed from all over the world for the contribution they can make.
- 6.4 The following Local Plan policies have relevance to the proposal:
- S03 - HOUSING
 - S05 - TRANSPORT
 - S06 - ENVIRONMENT
 - POLICY SP1 - SPATIAL PRINCIPLES
 - POLICY H1 - OVERALL HOUSING PROVISION
 - POLICY H4 - EAST MANCHESTER
 - POLICY EN1 - DESIGN PRINCIPLES AND STRATEGIC CHARACTER AREAS
 - POLICY DM1 - DEVELOPMENT MANAGEMENT
 - POLICY T1 - SUSTAINABLE TRANSPORT
 - POLICY T2 - ACCESSIBLE AREAS OF OPPORTUNITY AND NEED
- The below supplementary planning Document is also considered to be relevant as part of this planning application;
- MANCHESTER RESIDENTIAL QUALITY GUIDANCE 2017
 - NPPF (February 2019)
- 6.5 The NPPF clearly states 'that the purpose of the planning system is to contribute to the achievement of sustainable development' (paragraph 7). Paragraph 11 confirms that 'in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable

development'. Paragraph 10 states that a presumption in favour of sustainable development is at the heart of the NPPF. Paragraph 11 goes on to say that 'for decision-taking this means:

- Approving development proposals that accord with the development plan without delay; and,
- Where the development plan is absent, silent or relevant policies are out of-date, granting planning permission unless:
 - the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - 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.

6.6 Paragraph 92 of the NPPF states:

"To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services".

6.7 The general perspective of the NPPF is that planning should proactively drive growth and support sustainable economic development. It also states that planning should make effective use of land by reusing land that has been previously developed and sets out a presumption in favour of sustainable development. The government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.

National Planning Practice Guidance (NPPG)

6.8 The government published its NPPG on 6 March 2014. This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the NPPG or other national advice in the Analysis section of the report, where appropriate.

7.0 ASSESSMENT

- 7.1 **Policy SP1 - Spatial Principles** emphasises that Development in all parts of the City should make a positive contribution to neighbourhoods of choice including:
- creating well designed places that enhance or create character. making a positive contribution to the health, safety and wellbeing of residents;
 - considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income. protect and enhance the built and natural environment.
 - Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.
 - 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.
- 7.2 Furthermore, Policy SP1 emphasises on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment. The majority of new residential development in these neighbourhoods will be in the Inner Areas, defined by the North Manchester, East Manchester and Central Manchester Regeneration Areas.
- 7.3 **Policy H1 - Overall Housing Provision** - goes on to state that the type, size and tenure of the housing mix will be assessed on a site by site basis and be influenced by local housing need and economic viability.
- 7.4 **Policy S03 – Housing** emphasises the need to provide for a significant increase in high quality housing provision at sustainable locations throughout the City, to both address demographic needs and to support economic growth. The emphasis will be on providing a good range of high quality housing, (in terms of size, type, tenure, accessibility and price) including affordable housing across the City; to create sustainable lifetime neighbourhoods with high quality environments, good local facilities and with easy access to employment opportunities.
- 7.5 **The adopted SPD** states that as a rule, residential development should be within an easy walking distance (400m) of a range of day to day destinations, which might include: local shops; community facilities; sports facilities; playgrounds; parks and spaces.
- 7.6 The proposed site is located within the urban boundary of Manchester as designated within the Councils Proposal Map. The site has no other land use designations. The principle of the development has already been approved by the Council.
- 7.7 Given the details the proposed erection of a quality residential building would reuse an area of an existing site (brownfield) which has been un-used for a number of years, and the site is becoming to appear unsightly in this location, and in need of investment to bring the site as a whole back to a suitable functional use and where it would not have a negative impact on the surrounding area.
- 7.8 The site is well located in relation to small and large scale apartment buildings as well as typical family housing accommodation in an urban area so as to support urban regeneration and protect the countryside.
- 7.9 The proposal would provide good housing accommodation which is much needed in this inner city urban area, furthermore, it would enhance the character of the area by bringing an overgrown brownfield site into good

use, it would consider the needs of the local community, protect the surrounding built environment and provide the future occupiers with services within walking distance. It would also help reduce the need to travel.

- 7.10 The effect on residential amenity by reason of noise or other nuisance would be minor given its location amongst other similar uses and by virtue of its detached nature.
- 7.11 It is also considered that the proposal would not have a detrimental effect on the safe and efficient operation of the existing transport and road infrastructure. Highways safety is further discussed in the relevant section below.
- 7.12 In respect of part of the above policies, the area is predominantly mixed-use retail and residential and therefore residential is considered as a complimentary use to the existing character of the area and is located in a sustainable area with good access and facilities and which makes efficient use of the land whilst delivering an appropriate use for the site. However, consideration is still required into the remaining material factors, these being amenity, design, highway safety and the environment which is provided below.
- 7.13 In light of the above it is considered that the principle of providing residential units at the application site is acceptable.

7.14 Policy EN1 Design Principles and Strategic Character Areas

All development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and listed above and have regard to the strategic character area in which the development is located. Opportunities for good design to enhance the overall image of the City should be fully realised, particularly on major radial and orbital road and rail routes. Design and Access Statements submitted with proposals for new development must clearly detail how the proposed development addresses the design principles, reinforces and enhances the local character of that part of the City and supports the achievement of the Core Strategy Strategic Objectives.

7.15 Policy DM1 Development Management

All development should have regard to the following specific issues;

- **Appropriate siting, layout, scale, form, massing, materials and detail.**
- **Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development.**
- **Development should have regard to the character of the surrounding area. Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and**
- **traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.**
- **Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.**
- **Community safety and crime prevention. Design for health. Adequacy of internal accommodation and external amenity space.**

- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.

7.16 Paragraph 130 of the revised National Planning Policy Framework states that ‘decisions should ensure that developments will function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping’.

7.17 The property externally has been designed to continue to some degree the features of the neighbouring terraced properties. The external features of similarity include window sizes, fenestrations, door details, stone cills and the roof design which will be dual pitched.

7.18 The brickwork, roof materials, windows frames and doors used would complement existing materials used on surrounding properties.



Proposed section 73 development retrospective

Previously Approved



As constructed Front Elevation



A constructed front and side elevation



As constructed side and rear elevations



As constructed rear elevation

- 7.19 The photographs of the site above and the street scenes below taken of neighbouring properties shows varying styles with differing heights for the varying types of properties. The height of the proposed roof above the existing ridge of neighbouring properties would be minimal and would not be recognised from street level.
- 7.20 Whilst although it is acknowledged stone detailing would have been more in keeping, the finished construction does not appear out of character where windows without stone cills and heads can be viewed in the vicinity. This would not result in a significant detrimental impact on the appearance of the property and area in general. The roller shutters installed are similar to those on neighbouring retail premises and are considered to be acceptable and would keep the site free of crime when closed.



Different roof styles and heights within the street scene. No stone heads or cills on neighbouring dwellings.



Some properties in the terrace have stone heads and cills whilst other do not, similar to the proposed building.

- 7.21 The proposed window and door fenestrations along the main frontage would be mainly similar to what was approved; therefore, this is considered acceptable. Whilst the less prominent side and rear elevations would have small changes including smaller windows. Their overall appearance is not considered harmful and would be functional. None of the windows would increase any form of overlooking.

- 7.22 In light of the above, the proposal would result in no undue harm to visual amenity and would not harm the overall character and appearance of the area and the street scene. The application would therefore accord in this regard with policies EN1, the NPPF and SPD.

8.0 CONDITIONS

- 8.1 In terms of the conditions of the approval, given this is a retrospective application, all relevant conditions are also to be satisfied as part of this proposal. These include;

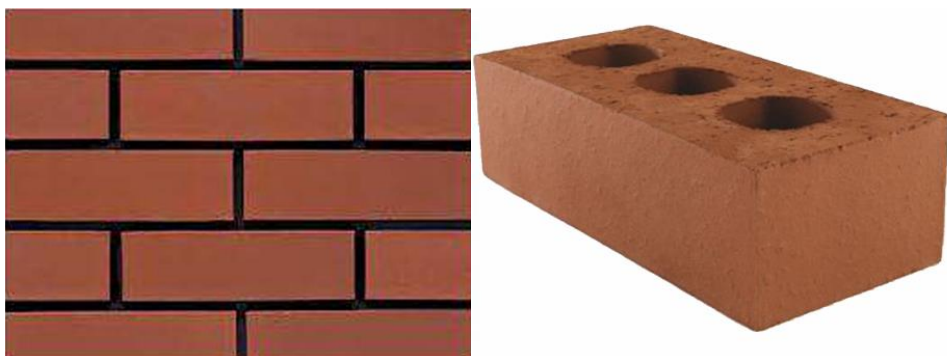
Condition 3 – All material details are provided;

Roofs



Marley Modern Roofing Tile Smooth Grey

Walls



75mm Radcliffee Smooth Red Blockley used for walls.

Windows and doors



Grey upvc windows



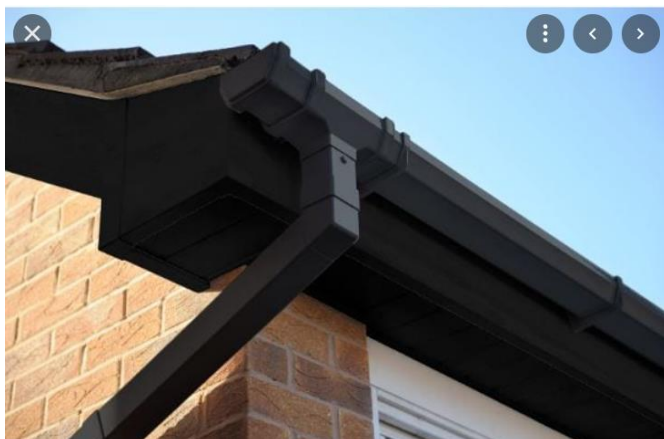
Grey composite external doors

Guttering and Soffits



PVC Gutter

PVC Down Pipe



Upvc black soffits (black) and black downpipes.



Black upvc Shutters.

8.2 **Condition 4** – Hours of operation for retail use are provided.

The retail unit at ground floor would be open from 8am to 8pm Monday to Sunday including Bank Holidays.

8.3 **Condition 6** - Waste storage details can be provided.

A waste Performa has been submitted with this application.

8.4 **Condition 7** – A full Contamination Risk assessment report has been provided separately as part of this submission.

A phase one contaminated land desk study produced in support of the discharge has been submitted. Following the site walkover and review of the available information it has been concluded that no contamination exists which poses a significant risk of significant harm to the identified receptors either on site or in the immediate vicinity and the site is considered safe and suitable for the intended use.

8.5 **Condition 8** – Secure by design details are provided

The following guidance will be adhered to prevent crime;

All doorsets allowing direct access into the home, e.g. front and rear doors, interconnecting doorsets, dedicated private flat or apartment entrance doorsets, easily accessible doorsets (Note 21.3a), etc., shall be certificated to one of the following standards:

- PAS 24:2016 (Note 21.3b); or
- STS 201 Issue 7:2015 (Note 21.3c); or
- LPS 1175 Issue 7.2:2014 Security

Rating 2+ (Note 21.3d); or

- LPS 1175 Issue 8:2018 Security

Rating A3+; or

- STS 202 Issue 6:2015 Burglary Rating

2 (Note 21.3d); or

- LPS 2081 Issue 1.1:2016 Security

Window frames are securely fixed to the building fabric in accordance with the manufacturer's instructions and specifications. These are available to the DOCO upon request if the need for a visual confirmation is felt necessary.

All easily accessible windows (including easily accessible roof lights and roof windows) shall be certificated to one of the following standards:

- PAS 24:2016 (Note 22.2b); or
- STS 204 Issue 6:2016 (Note 22.2c); or
- LPS 1175 Issue 7.2:2014 Security Rating 1 (Note 22.2d); or
- LPS 1175 Issue 8:2018 Security Rating 1/A1; or
- STS 202 Issue 7:2016 Burglary Rating 1; or

All easily accessible windows should incorporate key lockable hardware unless designated as emergency egress routes within the Building Regulations.

Communal entrance doorsets in blocks serving 4 dwellings or less, over more than two floors, are required to have a visitor door entry system and access control system.

Access into the building would be provided from the rear and side doors. These doors would be wide enough for disabled users and a passage would be provided internally to get from the front of the building to the rear

and vice versa.

The doors would have Access control, this would offer simple solution to restrict access into the building. Authorised individuals would carry a key fob and when access through a restricted door is required, the fob is held in front of a reader placed next to the door. The solution is flexible and would be used on the front and rear doors to restrict access to the general public. The mechanism would keep the users of the site safe.



Access control would be used on external doors



Numeric access and key for each flat internally.

Internally, a numeric access pad and a separate key for each flat door would be provided which would keep the site safe from intruders and restrict nuisance and general misbehaviour from any trespassers. The existing side elevation has a fire exit door at first floor level with a metal staircase leading down to ground level. This would be retained, and the exit door would only be used in circumstances of emergency to provide a quick exit point. All other internal doors would be fire doors which would be soft close to limit the noise

9.0 CONCLUSION

- 9.1 It has been demonstrated that the proposed development can be carried out in full compliance with the Council's policies in the Local Plan and the National Planning Policy Framework. The development would provide good quality retail and residential accommodation which would bring a positive contribution into the local area of Manchester without creating a significant detrimental impact on the amenity of the local occupiers and residents.

APPENDIX