MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139837/FH/2024
Date registered valid:	9 May 2024
Proposal:	Installation of 1.16m gates and installation of small window for the bathroom
Address:	97 Clowes Street, Manchester, M12 5FY
Ward(s):	Ardwick Ward
Applicant:	Mr Ali Ghasemi
Agent (if any):	
Case officer:	Carl Glennon Tel: 0161 234 4530 Email: carl.glennon@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	3 July 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 27 June 2024

Standard consultations:
Printed: 20 May 2024 Expired: 11 June 2024

Neighbour notifications
Printed: 20 May 2024 Expired: 11 June 2024

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

This planning permission relates to a relatively recently built detached house located in a relatively recently developed housing estate. It is situated at the junction of Clowes Street and Sevenoaks Road. The house comprises 2-storeys with red/brown brick work and contrasting brick course detailing. The property has a shallow garden area adjacent to the Clowes Street and Sevenoaks Road boundaries, which are enclosed by low brick walls and railings. A rear garden area is situated adjacent to the western elevation of the house and is enclosed by a brick wall. A car parking space is situated adjacent to the enclosed garden and the western site boundary. It is accessed and egressed from Clowes Street. Tactile paving has been incorporated into the pavement adjacent to the site and the intersection of Clowes Street and Sevenoaks Road.



Fig.1 – View of the application site at the junction of Clowes Street and Sevenoaks Road



Fig.2 – View of the application site from Clowes Street with enclosed car parking space



Fig.3 – Side wall of 97 Clowes Street and adjacent windows to 1 Sevenoaks Road.

Description of development

The proposed development involves:

i. The removal of a section of low wall and railing to the eastern site boundary of Clowes Street and Sevenoaks Road. The resulting 3.2 metre wide opening would be enclosed by a pair of 1.16 metre high bi-folding gates.
ii. A related hardstanding area would have maximum depth of 4.45 metres and width of 8 metres. The applicant has confirmed that the hard surfacing would incorporate drainage and would therefore be permitted development.
iii. The related formation of a dropped kerb would require a separate consent from the Council as local highways authority.

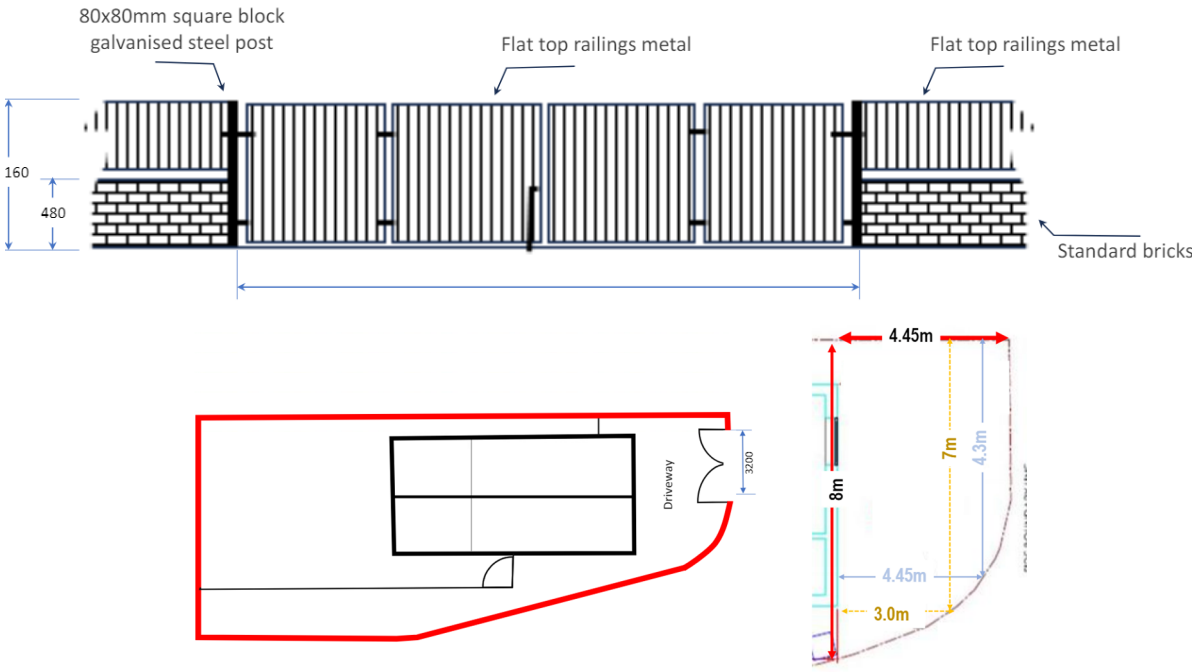
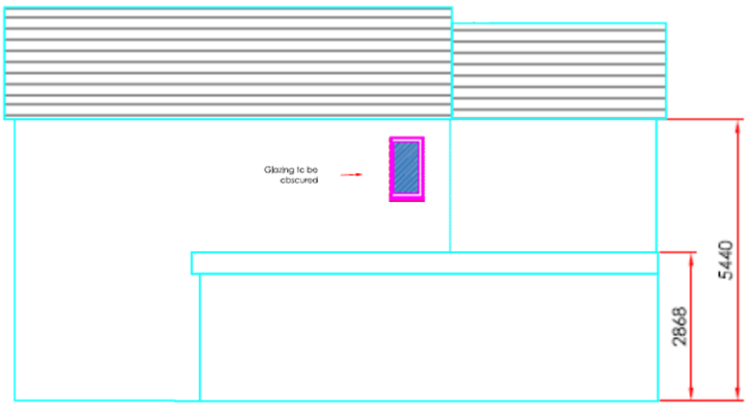


Fig.4 – Proposed boundary gates and site layout

iv. The insertion of an obscurely glazed bathroom window within the north side elevation. The window would relate to a bathroom.



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Fig. 5 – Proposed new window to rear (north) elevation.

Site history

i. 137906/FH/2023: Approved - 18.10.2023
97 Clowes Street, Manchester, M12 5FY.
Erection of part single, part two storey side extension to form additional living accommodation

ii. 112442/JO/2016/N2: Approved - 11.08.2016
Land Bounded by Hyde Road, Pottery Lane & Bennett Street, Ardwick, Manchester, M12 5JBVariation of condition nos. 3, 4 , 48 and 50 to allow alterations to the phasing plan approved as part planning permission 105915/JO/2014/N2 to enable the sequence of development to be revised , and to revise the phrasing of condition nos. 48 and 50 to reflect the requirements for flood alleviation measures relating to the revised phasing .

iii. 107525/JO/2014/N2: Approved - 27.04.2015
Wenlock Way, Ardwick, Manchester, M12 5JB
Variation of condition no. 2 attached to planning application ref: 105914/MO/2014/N2 to enable amendments to site layout and variation of condition nos. 3 ,4,9,12,13,15,16,18,19,20,24,27,30 and 31 to require the development to be implemented in accordance with the information submitted.

iv. 105915/JO/2014/N2: Approved - 05.08.2014
Land Bounded By Hyde Road/Pottery Lane, Bennett Street, West Gorton, Manchester, M12 5JB
Variation of condition nos. 3, 4 and 50 to allow alterations to the phasing plan approved as part planning permission 099219/OO/2012/N2 to enable the sequence of development to be revised , and to revise the phrasing of condition no.50 to reflect the requirements for flood alleviation measures relating to the revised phasing .

v. 105914/MO/2014/N2: Application Approved - 12.09.2014
Wenlock Way, Pottery Lane And , Clowes Street, Gorton, Manchester, M12 5JB
RESERVED MATTERS application for approval of appearance, landscaping, layout and scale for erection of 254 new homes with associated open space and infrastructure.

vi. 099219/OO/2012/N2: Approved - 01.11.2012
Land Between Hyde Road/Pottery Lane/Bennett Street, West Gorton, Manchester, M12
Outline Planning Application for housing-led mixed use redevelopment comprising: a maximum of 565 new dwellings; , a Community Hub building(s) comprising Class A1 retail, Class A2 offices, Class A5 hot food takeaway (maximum floorspace 120 sq.m in total), Class B1office floorspace and Class D1 health centre and ancillary pharmacy use (maximum 1650sqm GFA non-residential space in total); new recreation open space; and associated access and infrastructure provision, following demolition of existing buildings.

Consultations & Notification Responses

Local residents – No comments received.

Highways - Following a detailed assessment of the plans provided, Highways cannot support the proposal due to the following reasons:

i. Proximity of proposed driveway to the junction of Sevenoaks Road/Clowes Street.
ii. The parking space dimensions would not be sufficient and fail to accord with Council guidance.
iii. Proposed boundary treatment and gated access appears to impact the

manoeuvrability of vehicles accessing/egressing the proposed driveway.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019 and subsequently in December 2023. It represents key up to date national policy and is an important material consideration in determining the current application. A number of key aspects of the NPPF have been considered in relation to the current application. The document states that the 'purpose of the planning system is to contribute to the achievement of sustainable development. The document clarifies that the 'objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs' (paragraph 7). The purpose of the planning system is to achieve sustainable development. Paragraph 8 of the NPPF states that to achieve this, the following three overarching objectives need to be pursued mutually:

i. The economic role should contribute to sustainable development by building a strong, responsive and competitive economy and ensuring the sufficient amount of and right type of development to support growth.
ii. The social role is required to support communities by creating a high quality built environment with accessible local services to reflect the needs of the community.
iii. The environmental role should protect and enhance the natural, built and historic environment.

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. It is considered that the development would respond positively to the above objective and the following aspects of the Framework.

i. Section 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.

There is concern that the proposed formation of a new access gates may undermine the setting of the application property and its relationship to the streetscene. The insertion of a new window would not unduly impact upon the composition of the related elevation, but its position would be potentially harmful to residential amenity.

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 is relevant to key planning issues of significance to applicants and local authorities. The assessment of the proposed development has been related to the following aspects of the PPG:

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

The core principles and policy guidance contained within the National Planning Policy Framework and Planning Practice Guidance have been directly related to the assessment of the potential impact of the development on residential amenity and highway safety as discussed below.

The Places for Everyone Plan – Is a Joint Development Plan Document and provides a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan. To date, five consultations have taken place in relation on the Plan. The Examination of Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation. The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023. Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report. Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance. The following policies are relevant:

i. JP- S1- Sustainable development

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 policies are relevant to the proposed development:

Policy SP 1 (Spatial Principles) - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development: makes a positive contribution to neighbourhoods of choice through: the creation of well-designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents and responding to the diverse needs of all members of the community and the protection and enhancement of the built and natural environment.

For the reasons discussed below, it is considered that the development would undermine the well being of neighbouring residents and potential contribute to a diminution of pedestrian and highway safety. Policy SP1 would not, therefore, be accorded with.

Policy DM1 (Development Management) - States that 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;
- Effects on amenity;
- Design for health.

Policy DM1 points a - h (inclusive) have been related to the assessment of the proposals regarding its potential impact on residential amenity and the contextual relationship of the development to the surrounding built environment. The development would contribute the formation a car parking arrangement that would be detrimental to pedestrian and highway safety. The position of the new window would be harmful to residential amenity. Policy DM1 would not, therefore, accord with policy DM1.

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 advised the applicant that the development would not be supported as the proposed alterations to the existing boundary would contribute to a car parking arrangement that would be potentially harmful to pedestrian and highway safety. The applicant was also advised that the proposed insertion of a new window would have a harmful impact on existing windows and thereby be harmful to residential amenity. The application was assessed with reference to the submitted documents and without further discussion.

Principle of the development – The applicant has indicated that the formation of a related driveway would be permitted development as it would incorporate surface water drainage. The formation of a dropped kerb would require separate approval by the local highway authority. Notwithstanding the above, the proposed alteration to the boundary would have an adverse impact upon the appearance of the application property and its relationship within the street scene. The proposed development would thereby directly contribute to the formation of a car parking arrangement that would be potentially hazardous to pedestrian and highway safety. The proposed boundary alterations are therefore not supported. The proposed new window would be poorly related to existing windows to the neighbouring property and, this part of the development, cannot be supported due to potential harm to residential amenity.

Highways issues - The development would involve the inclusion of bi-folding gates, which would (when closed) prevent the manoeuvring of a car into the position indicated in the submitted drawings. A would thereby have to enter the parking space directly from Sevenoaks Road. As the driveway would have a maximum depth of 4.5 metres there is strong potential for a vehicle to overhang the pavement, which would be detrimental to pedestrian and highway safety. Given the concerns expressed by Highways, it is not apparent that the local highways authority would approve the associated dropped kerb. In these circumstances, the development would cause unnecessary disturbance to the streetscene without securing appropriate in curtilage car parking.

Impact on streetscene – Bi-folding gates have been used elsewhere within the surrounding estate and the design of the proposed gates has been informed by these existing features. However, the position of the opening for the gates would undermine the definition of the site boundary at the junction of Clowes Street and Sevenoaks Road and thereby be harmful to residential amenity.

Insertion of a new window - Consideration has been given to the relationship of the proposed first floor window to existing windows in the adject first floor windows in the side wall of the neighbouring 1 Sevenoaks Road. Given the limited space between these houses it is considered that the position of the proposed window would potentially harm the privacy and amenity of neighbouring residents. It is noted that the property was specifically designed without windows in the side elevation of (97 Clowes Street) to provide reasonable safeguards to residential amenity. It is not considered that the proposed inclusion of obscured glazing would overcome the above concerns. This part of the proposal is therefore not supported.

Conclusion – The development is not supported for the discussed harm to pedestrian and highway safety and residential amenity.

Other Legislative Requirements

Equality Act 2010
Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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 polices 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: Refuse

Article 35 Declaration

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. , officers advised the applicant that the development would not be supported as the proposed alterations to the existing boundary would contribute to a car parking arrangement that would be potentially harmful to pedestrian and highway safety. The applicant was also advised that the proposed insertion of a new window would have a harmful impact on existing windows and thereby be harmful to residential amenity. The application was assessed with reference to the submitted documents and without further discussion.

Reasons for recommendation to refuse

1) The design and position of the proposed bi-folding gates would prevent appropriate vehicular access and egress and the satisfactory parking of a car within the curtilage of the site. In the absence of appropriate manoeuvring space, the potential encroachment of parked vehicles on to the adjacent footpath would be harmful to pedestrian and highway safety the development would thereby by contrary to policies DM1 and SP1 of the Core Strategy for the City of Manchester.

2) The position of the proposed gates would undermine the setting of the site and its boundaries at the prominent corner of Clowes Street and Sevenoaks Road. The development would thereby be harmful to the appearance of the streetscene and the visual amenities of the area

and thereby be contrary to policies DM1 and SP1 of the Core Strategy for the City of Manchester.

3) The position of the proposed bathroom window would be inappropriately related to existing first floor windows in the side elevation of Sevenoaks Road. The proposed window would thereby compromise the privacy and amenities of neighbouring residents and be contrary to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services

48 Clowes Street, Manchester, M12 5EG
1 Sevenoaks Road, Manchester, M12 5TY
95 Clowes Street, Manchester, M12 5FY
54 Clowes Street, Manchester, M12 5EG
50 Clowes Street, Manchester, M12 5EG
52 Clowes Street, Manchester, M12 5EG
1 Abbotsbury Close, Manchester, M12 5EQ

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
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH AREA