

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138588/FO/2023

Date registered valid: 23 November 2023

Proposal: Erection of single-storey front extension and alterations to boundary wall

Address: 4 Barlow Road, Manchester, M19 3DJ

Ward(s): Levenshulme Ward

Applicant: Diamond Windows

Agent (if any): Mr Saghir Hussain Create It Studio Architects

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 17 January 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 29 November 2023

Standard consultations:

Printed: 24 November 2023

Expired: 15 December 2023

Neighbour notifications

Printed: 24 November 2023

Expired: 15 December 2023

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 – Views of the application site from Barlow Road

The planning application relates to a detached two storey building that would be used in conjunction with a business use at 4 Barlow Road involved in the supply of replacement windows and building materials. The wider site has forecourt area used for car parking and an enclosed yard area and outbuildings. The application property incorporates a pitched roof with a gable elevation presented to Barlow Road with ground floor storage and an apartment in the first floor and roof space. The perimeter of the site is enclosed with a brick wall. Access to the apartment is taken via the adjacent yard. A place of worship is located to the west of the site. The opposite (northern) side of Barlow Road is residential. The wider area to the east of the site is also residential.

Description of development

The proposed development involves:

- i. The removal of the perimeter wall.
- ii. The formation of a single storey flat roof extension that would project by 1.9 metres from the north elevation to a position at the back of footpath with Barlow Road. The extension would align with the side wall of the existing building to allow the formation of an access point within a new boundary wall.
- iii. The proposed street elevation would incorporate a glazed displayed window with roller shutters to an extended storage area. A new entrance door and staircase would be formed within the street elevation with an outward opening door. Additional storage would also be formed.

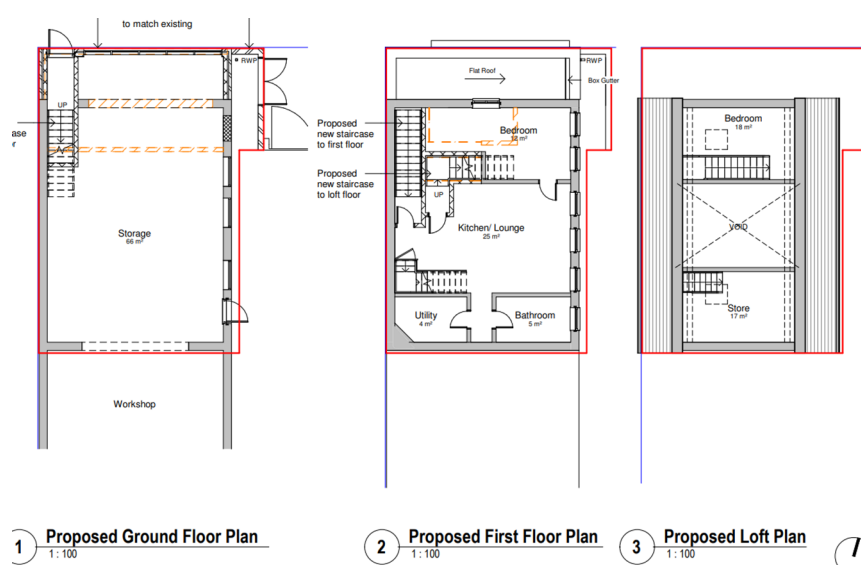


Fig.3 – Proposed layout

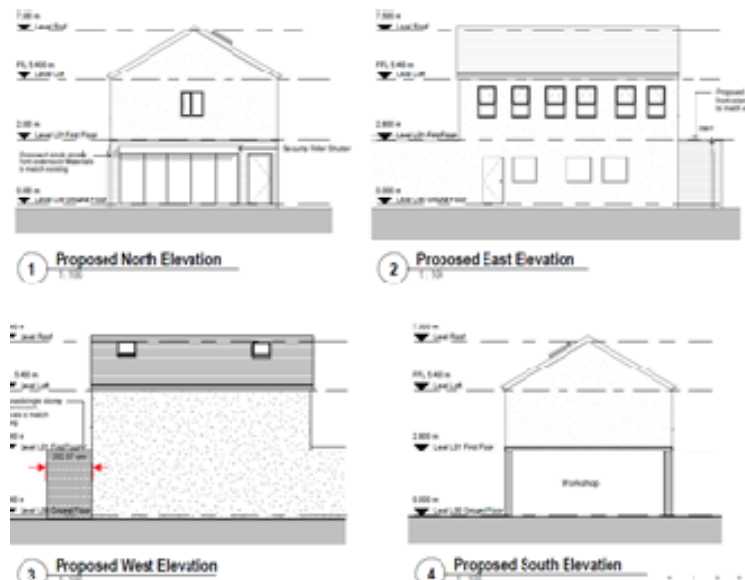


Fig. 4 – Proposed elevations

Site history

- i. 094941/FO/2010/N2 - Application Approved - 31.03.2011
Erection of extension to and re-roofing of existing warehouse
- ii. 097643/FO/2011/N2 - Application Withdrawn - 01.02.2012
Erection of first floor extension above offices and alterations to roof to form additional office space
- iii. 098862/FO/2012/N2 - Application Approved - 02.08.2012
Erection of first and second floor extension above existing offices
- iv. 031372 - Application Approved - 23.06.1988
Change of use from sign makers and erectors premises to builders yard and offices
- v. F10889 - Application Refused - 25.07.1979
Single-storey extension to form enlarged showroom for industrial sewing machines.

Consultations & Notification Responses

Local residents – One email of objection has been received and states that the proposed extension would be sited in an area used as a vehicle pull in. The loss of this facility would lead to additional on-street car parking. The development would be used for the sale of bulky items and in the absence of appropriate car parking there would be a potential increase in localised traffic congestion.

A separate email has been received that does not object to the proposal subject to the maintenance of appropriate car parking.

Highways – The following comments have been received:

- i. A new pedestrian access point will be formed to the Barlow Road elevation. Related external entrance doors should be inwardly opening in order to prevent obstruction on the adjacent footway.
- ii. Arrangements for waste management should be clarified.

- iii. It is recommended that the applicant liaises with the Councils Street Lighting Team regarding the potential requirement to relocate an existing street lighting column as it may be affected by the development. Similarly, a telecommunications pole which may also require removal / relocation and therefore the applicant should discuss with the relevant provider.
- iv. Any requirement licensing associated with works affecting the highways should be agreed with the Council as local planning authority.

Environmental Health – The following comments have been received:

- i. Have requested clarification of the potential impact of the development on existing waste management arrangements.
- ii. There may be adverse noise impacts on nearby residents (particularly those in the flat above the premises) from the roller shutter if operated during quieter times. The application does not include hours for the business or noise data for the shutters. A condition is recommended restricting operating times for the roller shutters.
- iii. A watching brief condition has been requested to address any contaminated land issues that may emerge following the implementation of the development.

3. GM Police Design for Security – The following comments have been received:

- i. Any alterations to the building should be to Secured By Design standards (i.e. shop front and apartment entrance door).
- ii. There should be external lighting to the residential entrance.
- iii. Windows accessible from the flat roof should be to Secured By Design standards.

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 September 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 that impact on the considerations that need to be given to the current application are identified below. 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. The following aspects of the Framework.

- i. Section 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. It is not considered that the development would achieve a satisfactory relationship to the streetscene and would be helpful to residential amenity. On this basis it is considered that development would not accord with Section 8,

iii. Section 11: Making effective use of land - States that planning decisions should promote an effective use of land, while safeguarding and improving the environment and ensuring safe and healthy living conditions. It also encourages the use of previously developed or 'brownfield' sites. The development would lead to the cramped siting of new built form and would thereby be harmful to the amenities of the areas and be contrary to section 11.

iv. 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. For the reason set out below the development would not achieve a satisfactory design and section 12 would not be accorded with.

The Places for Everyone Plan is a Joint Development Plan Document - 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 comments are considered to be relevant:

JPS1 - Sustainable development

JP-J4 - Industrial and warehousing development.

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

- i. Consultation and pre-decision matters
- ii. Design
- iii. Flood Risk Planning and Flood
- v. Health and well-being
- v. Noise.

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 the City. In this case, the relevant principles relate to the extent the development:

- a. Makes a positive contribution to neighbourhoods of choice including the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;
- b. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- c. Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

It is considered that the proposed development would not positively contribute to the character of the surrounding residential area or the amenities of neighbouring residents. Policy SP1 would not be accorded with.

Policy EN1 (Design Principles and Strategic Character Areas) - States that all development in Manchester should meet high standards of urban design and opportunities for good design, which enhance the overall image of the City should be fully realised. It is considered that the design of the frontage to the extension would not be appropriately related to the building or the surrounding context. Policy EN1 would not be accorded with.

Policy EN 14 (Flood Risk) - States that in line with the risk-based sequential approach, development should be directed away from sites at the greatest risk of flooding and towards sites with little or no risk of flooding. The application sites located in Flood Zone 1 and it is not apparent that the development would presents additional risk of flooding.

Policy EN19 (Waste) - Requires consideration of the submitted details relating to determine if the applicant has satisfactorily demonstrated how:

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

Given the magnitude of the development, its is considered that construction waste could be managed. The development would utilise existing waste management arrangements.

Policy DM1 (Development Management) - States that all development should have regard to the following specific issues:

- o Appropriate siting, layout, scale, form, massing, materials and detail;
- o Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development;
- o Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- o Accessibility: buildings and neighbourhoods should be fully accessible to disabled people with new development providing access to all via sustainable transport modes;
- o Community safety and crime prevention;

- o Design for health;
- o Refuse storage and collection.

It is not considered that the development would accord with policy DM1, due to the inappropriate siting design and appearance of the proposed extension and its relationship to the characteristics of the streetscene.

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

Policy DC26 (Development and noise) - Has been related to the proposals contribution to the local noise environment and how existing noise sources, including noise from neighbouring industrial / commercial uses, may impact on the proposed housing.

Policy DC26.5 has been related to the assessment of the development, in terms of measures to control noise, including the provision of noise insulation.

It is considered that the development would not change the existing circumstances with regard to noise and disturbance.

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 and the applicants (through their appointed representatives), discussed the development and the concerns of the local planning authority. It was confirmed that the application could not be supported. As it was not apparent that the development could be appropriately amended it was therefore necessary to determine the planning application on the basis of the submitted details.

Principle of the development – The storage and commercial uses with the wider site have been historically established. The development would introduce a conspicuous commercial formation to a narrow footpath, which would significantly change the relationship of built form to the streetscene and neighbouring residential uses. The principle of the development is therefore considered to be unacceptable due to the resulting harm to residential amenity. Given the constraints of the site, it is not apparent that the development could be suitably amended to address the above concerns.

Residential amenity – The site is located within a section of Barlow Road, to the north and east) that is predominantly residential. The existing operation is screened from the street by boundary walls. The activity associated with the expanded use would thereby be more apparent and potentially harmful to residential amenity.

Siting - It is acknowledged that the application property projects beyond the building line of the adjoining building to the west and immediately to the east of the site. The site perimeter also incorporates a brick wall. However, the characteristic arrangement of built form in the area, maintains a clear demarcation between the street elevations and the back of pavement. The excessive prominence would be further emphasised by the bulk and massing of the extension. In the absence of an appropriate setting to the building, it is considered that the proposed extension would have an overly prominent and overbearing impact to the streetscene.

Design – There is also concern that the proposed flat roof would not be appropriately related to the elevational composition of the existing building, including the inclusion of an extensively glazed frontage with roller shutters presented towards a residential section of Barlow Road. There is also concern that the design of the proposed roller shutter box appears to project from the street elevation and has not been incorporated into the design of the shopfront as is usually required. The specification and colour treatment of the roller shutter have not been indicated. There is concern that the formation of a commercial would detract from the residential characteristics of the northern side of Barlow Moor Road and therefore be harmful to residential amenity.

Land conditions – The comments of Environmental Health could be potentially addressed through condition.

Noise – Acoustic attenuation could also be potentially addressed through condition.

Crime and security – The comments of GM Police would be capable of being addressed by condition.

Accessibility – The development would not achieve level access. The existing circumstances would thereby be maintained.

Car parking and highways issues – Notwithstanding, the comments of local residents it is not apparent that the development would affect the existing car parking arrangements. However, it is noted that the forecourt car parking arrangement does not appear to have been formalised through a planning permission.

Waste management – The existing arrangements would be maintained.

Conclusion – The development would be unacceptable due to its design, appearance and siting. It would also be unduly harmful to the residential amenities of the area.

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 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

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 and the applicants (through their appointed representatives), discussed the development and the concerns of the local planning authority. It was confirmed that the application could not be supported. As it was not apparent that the development could be appropriately amended it was therefore necessary to determine the planning application on the basis of the submitted details.

Reasons for recommendation to refuse

1) The development, by virtue of its scale, massing and siting, would have an overbearing and unduly prominent impact on the streetscene and adjacent pavement and be poorly related to the characteristic arrangement of existing neighbouring built form, including houses with garden settings on the north side of Barlow Road. The development would thereby be harmful to the visual and residential amenities of the area and be contrary to policies SP1, EN1 and DM1 of the Core Strategy for the City of Manchester.

2) The design and composition of the proposed extension and its incorporation of a commercial frontage with extensive glazing and roller shutters, would have an incongruous relationship to the existing building and the characteristics of the streetscene, including housing on the northern side of Barlow Road. The development would thereby 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
Environmental Health
Greater Manchester Police

4 Firsby Street, Manchester, M19 3FB
Top Flat, 4 Barlow Road, Manchester, M19 3DJ
29 Barlow Road, Manchester, M19 3DB
23 Barlow Road, Manchester, M19 3DB
Levenshulme Islamic Centre, 2 Barlow Road, Manchester, M19 3DJ
31 Barlow Road, Manchester, M19 3DB
25 Barlow Road, Manchester, M19 3DB
21 Barlow Road, Manchester, M19 3DB
27 Barlow Road, Manchester, M19 3DB
19 Barlow Road, Manchester, M19 3DH
12 Barlow Road, Manchester, M19 3DJ
17 Barlow Road, Manchester, M19 3DH

4 Barlow Road, Manchester, M19 3DJ

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

Area Team Boundary - Name: NORTH AREA