MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	137641/FO/2023
Date registered valid:	24 July 2023
Proposal:	Roof alterations to create balconies to existing flat roofs with associated balustrade
Address:	College House, 50 Stanley Street, Manchester, M11 1LE
Ward(s):	Clayton & Openshaw Ward
Applicant:	Mr Md Zahidul Islam, UK Management College (UKMC)
Agent (if any):	Mr Devaraja Rajan, SR Engineering Services Limited
Case officer:	Carl Glennon Tel: 0161 234 4530 Email: carl.glennon@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	18 September 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 30 August 2023

Standard consultations:
Printed: 1 August 2023 Expired: 22 August 2023

Neighbour notifications
Printed: 9 August 2023 Expired: 30 August 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

This planning application relates to a distinctive red brick building comprising of between two and four storeys with a cruciform, pitched roofs. Parapeted flat roofs are formed above two storey elements to the west and east of the building. The western elevation of the building is sited at the back of pavement to Ogden Lane. The north and east elevations are situated in an enclosed car parking area with boundaries to Stanley Street and Catherine Street. The building is situated adjacent to the southern boundary, which is shared with the Age Concern Resource Centre.



Fig. 1 – Views of the application site from Ogden Lane, Stanley Street and Catherine Street

Description of development

The works comprising the development have been implemented and consist of:

i. The installation of railings to the perimeter of the western and eastern parapets. The railings also return to the southern parapets to each side of the building. The railings have been installed and positioned on top of the parapet to an overall height of 1.6 metres above the eaves (the railings have a height of 1.1 metres);
ii. The insertion of a glazed double doors to each side of the exposed northern elevations to provide access to the roof terraces formed as part of the development;
iii. Reconfiguration of internal space to facilitate movement between adjacent rooms and interconnectivity with the balcony areas.



Fig.1 – Proposed and existing layout

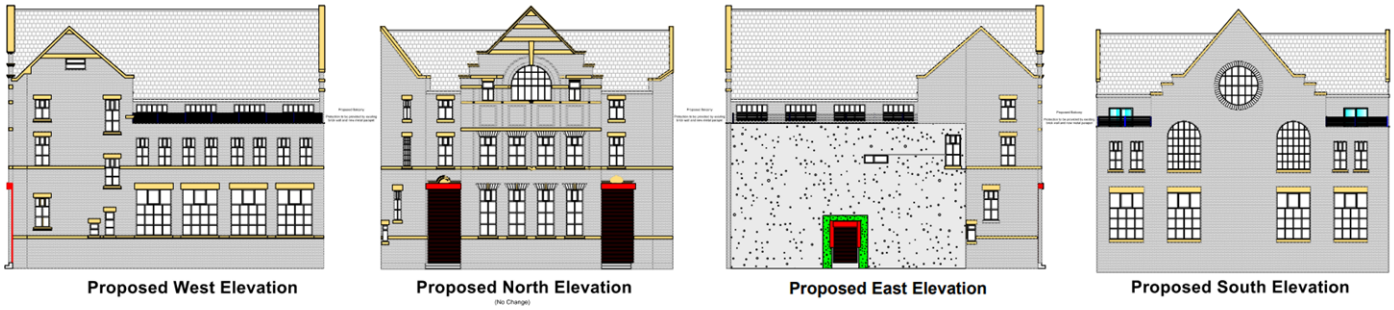


Fig.2 – Proposed elevations

Site history

i. 137647/FO/2023 Application Pending Consideration -
Erection of temporary two storey modular building to create additional classroom space.

ii. 092632/AO/2010/N2 Application Approved - 27.04.2010
Retrospective Application for continued display of individual letter signage to elevations of existing college

iii. F10442 Application Approved -15.04.1980
External alterations to the existing school building and demolition of the Chapel Building

Consultations & Notification Responses

Local residents – Five emails of objection have been received and area summarised below:

i. The is concerns that the development would exacerbate noise and disturbance from the site, which is reported to have been a previous issue;
ii. The development will result in undue overlooking and loss of privacy;
iii. There is concern that the use of the balconies will result in the congregation of students in external spaces thereby resulting in undue noise and disturbance.

Environmental Health – It is recommended that the operation of the balconies should be related to a management plan to safeguard residential amenity. The plan should be related to appropriate hours of use and prevent the transmission of amplified sound and music.

Greater Manchester Police Design for Security – No comments received.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019 and subsequently in July 2021. 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.

Chapter 2: Achieving sustainable development - Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development by: meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 8 states that in achieving sustainable development, the planning system has three overarching objectives, namely: economic, social and environmental. The planning application has been assessed with the objectives of chapter 2 in mind. It is considered that these objectives have been accorded in relation to the continued sustained use of a characterful building and the delivery of education services.

ii. Chapter 8 Promoting healthy and safe communities - States that planning decisions should aim to achieve healthy, inclusive, accessible and safe places, where crime and disorder (and the fear of crime) do not undermine the quality of life or community cohesion (paragraph 92). It is considered that the development is appropriately related to the streetscene without undue harm to residential amenity.

iii. Chapter 12: Achieving well-designed places - States that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (paragraph 124). In this case, the design of the external and internal work has been informed by the character of the existing building and considered to be appropriate.

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:

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

The core principles and policy guidance contained within the PPG have been directly related to the assessment of the potential impact of the development on residential amenity, the character of the existing educational building. It is considered that the proposed works would not be harmful to residential amenity and would help to secure the on-going sustained use of a building of historic interest.

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, it is considered that the following principles have been positively responded to:

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 development would provide access to managed amenity space for students and the nature of the works would not impact on the character of the existing building or be harmful to the amenity of neighbouring residents. The development would thereby be appropriately related to policy SP1.

Policy EN1 (Design Principles and Strategic Character Areas) - States that all development should be appropriately related urban design principals as et out in national planning guidance and listed above alongside policy to safeguard the character of the area in which the development is located. The impact of its appearance would be reduced by its siting and open design of the railings. The development would be appropriately related to policy EN1.

Policy DM1 (Development Management) - States that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. Relevant considerations in this case are:

a. Appropriate siting, layout, scale, form, massing, materials and detail;
b. Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development;
c. Effects on amenity;
d. Accessibility;
e. Community safety and crime prevention;
f. Design for health;
g. Adequacy of internal accommodation and external amenity space;
h. Refuse storage and collection.

The development would secure community development without apparent harm to residential amenity or the character of the existing building and its context. The space would be managed through management plan to reduce potential noise and disturbance. Policy DM1 would thereby be accorded with.

Unitary Development Plan (UDP) saved policies -The following UDP policies are considered to be relevant:

Part 2 policy

Policy DC26 (Development and noise)

Policy DC26.1 has been related to the proposals contribution to the local noise environment, in relation to the operation of the proposed extension and the additional activity it may generate.

Policy DC26.4 requires that where an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, consideration is given to measures to deal with it satisfactorily. This particularly relevant given the proximity of the site to established residential uses.

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.

As stated, the development would be related to a management plan to limit the operation of the balcony areas at sensitive hours of the day. Policy DC26 would thereby be accorded with.

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 have engaged in a dialogue with the applicant's representative to ensure that sufficient information has been provided to allow the application to be appropriately assessed. Upon the receipt of satisfactory information no further negotiation was required.

Principle of the development – The development seeks to utilise existing roof top space in association with the existing operation of the building as a college. The development would not depart from the existing use.

Residential amenity – Notwithstanding the comments of neighbouring residents, the balconies are position approximately 20 metres and 43 metres from the nearest houses on Ogden Lane and Ryan Street respectively. It is not apparent that there would be overlooking of habitable room windows and neighbouring garden areas would be obscured by existing tree cover.

Management plan – A condition has been included requiring the submission, approval and implementation of a site management plan relating to the use of the balcony area. The plan shall confirm the hours of use of the balcony and confirmation that the broadcast and transmission of amplified sound will not occur. As the development has been implemented, a timescale for the implementation of the plan has been included in the condition.

Layout – The applicant has confirmed alterations of the existing third floor to demonstrate interconnectivity between internal corridors, rooms and access to the balconies. All internal space would be maintained for educational and ancillary use.

Design – The railings have a simple upright metal rod construction with a black finish. The open nature of the composition would reduce the visual impact and maintain an appropriate relationship to the host building.

Conclusion – On balance, the proposed development is considered to be appropriately related to the existing building and its continued educational use.

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: **Approve**

Article 35 Declaration

Officers 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 have engaged in a dialogue with the applicant's representative to ensure that sufficient information has been provided to allow the application to be appropriately assessed. Upon the receipt of satisfactory information no further negotiation was required.

Condition(s) to be attached to decision for approval

1) The development hereby approved shall be carried out in accordance with the following drawings and documents stamped as received by the City Council as local planning authority on 24 July 2023 and 14 September 2023:

Planning application forms
Proposed balcony elevation Ref: 2023/UKMC/BC-001 Rev A
Proposed plan view Ref: 2023/UKMC/BC-002 Rev A
Roof plan view Ref: 2023/UKMC/BC-003
Proposed elevation at Level 3 Ref: 2023/UKMC/BC-006
Location plan with a red edge Ref: 2023/UKMC/BC-004

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

2) Within two months of the planning permission hereby granted, a scheme shall be submitted to and approved in writing by the City Council as local planning authority relating to the operation of the balcony areas as shown on drawing referenced: Proposed balcony elevation Ref: 2023/UKMC/BC-001 Rev A and Proposed plan view Ref: 2023/UKMC/BC-002 Rev A, including hours that the balcony will be used and measures to manage access [to the balconies] outside the agreed operating hours. The scheme shall be implemented in accordance with an agreed timescale and maintained in situ at all times thereafter.

Reason - In the interests of the amenity of the occupiers of nearby residential properties pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and policy DC26 of the Saved Unitary Development Plan for the City of Manchester and guidance contained within the National Planning Policy Framework.

3)There shall be no operation or use of external loudspeakers, bells, tannoys, music, public address systems or any other form of amplified internal or external sound equipment in association with the authorised use of the balconies at any time.

Reason - In the interests of the amenity of the occupiers of nearby residential properties pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and policy DC26 of the Saved Unitary Development Plan for the City of Manchester and guidance contained within the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Greater Manchester Police

5A Stanley Street, Openshaw, Manchester, M11 1LE
5 Ogden Lane, Manchester, M11 1WG
12 Ketton Close, Manchester, M11 1NA
4 Mattison Street, Manchester, M11 1WS
2 Mattison Street, Manchester, M11 1WS
8 Ketton Close, Manchester, M11 1NA
14 Ketton Close, Manchester, M11 1NA
10 Ketton Close, Manchester, M11 1NA
4 Ryan Street, Manchester, M11 1WR
2 Ryan Street, Manchester, M11 1WR
Age UK Manchester, Openshaw Resource Centre, 10 Catherine Street, Manchester, M11 1WF

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
Area Team Boundary - Name: NORTH AREA