

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136597/FO/2023

Date registered valid: 11 May 2023

Proposal: Creation of first floor flat (Class C3) together with external staircase to the side

Address: 238 Lightbowne Road, Manchester, M40 5EF

Ward(s): Moston Ward

Applicant: Ms Stephanie Shaw

Agent (if any): Mr Stephen Mckiernan

Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 12 July 2023

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 22 June 2023

Standard consultations:

Printed: 17 May 2023 Expired: 7 June 2023

Neighbour notifications

Printed: 17 May 2023 Expired: 7 June 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

The application site is a two-storey end-of-terrace property with shop type premises on the ground level located on the corner of Lightbowne Road and Oscar Street, Harpurhey. The row comprises of a mix of uses, some of which have residential accommodation above.

The remainder of the area on the side streets and further along Lightbown Road is a mix of commercial and residential dwellings.

This application seeks consent for the creation of a first floor flat (Class C3) together with external staircase to the side, and bin storage within the yard area, within the curtilage of the site.

The ground floor is an existing hot food takeaway, and the hours of operation are 10:00 till 00:00 daily and has been in operation since 2015.

Access is gained to the proposed first floor flat via a new staircase situated within the side alleyway.

Proposals for residential units above commercial units usually accords with Part M of the general permitted development order. However, in this instance planning permission is required due to the installation of an external staircase.

Consultations & Notification Responses

The Highways Team commented the associated internal and external alterations will be contained within the site boundary and will not impinge upon the adopted highway; this is acceptable to Highways. The site is highly accessible by sustainable modes, regular bus services are routed along Lightbowne Road and Kenyon Lane.

It is anticipated that the proposals are unlikely to generate a significant increase in the level of vehicular trips, therefore they do not raise any network capacity concerns.

No off-street parking is available. Given its location the site is considered to be suitably accessible by sustainable modes and is in close proximity to a number of bus routes. Submitted plans show a new pedestrian access will be made available from the rear alleyway. It must be ensured that the rear alleyway remains accessible at all times. This is an adopted route and is shared between neighbouring premises.

100% cycle parking is required. The application should confirm that the cycle parking is situated within a secure and sheltered location. Therefore, a cycle parking condition has been added to the consent.

The applicant should be advised that all boundary treatments with frontage to the adopted highway should retain appropriate visibility from a height of 600 mm upwards. All gating which is accessed from the highway must be ensured to be inwardly opening, in order to prevent obstruction to passing footway users. No boundary treatments form part of the application. Boundary security is maintained by the existing boundary structure.

In relation to waste management, a suitably sized bin store is being provided to the rear of the property. The arrangements for transportation and collection along the shared adopted alleyway to the collection point are acceptable.

Environmental Health were consulted and requested noise attenuation and refuse conditions to be attached to the consent.

Greater Manchester Police were consulted and commented they generally don't support flats with rear access. However, given the access is taken from the side of the plot, into the rear where the staircase will be visible from Oscar Street. The following should be considered essential for GMP to support the scheme.

GMP went on to comment, the rear wall should be built up in height to match the height of the adjacent alleyway gate. In response to the comments from GMP to increase the height of the wall. The wall is considered to be adequate in terms of height, as a deterrent against crime and any further increase in height would appear incongruous within the street scene. Furthermore, GMP commented the razor wire is not acceptable and the applicant has confirmed its removal.

Issues

Policy

The National Planning Policy Framework (NPPF) (July 2021)

The NPPF sets out Government planning policies for England and how these are expected to apply. The NPPF has a presumption in favour of sustainable development which has an economic, social and environmental role. Development that accords with the development plan

should be approved without delay. Where an application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. The following specific policies are considered to be particularly relevant to the proposed development:

Section 5 (Delivering a sufficient supply of homes) - The proposals would provide 4 new homes within a sustainable location.

Section 6 - (Building a strong and competitive economy) - The proposal would provide employment during the construction period.

Section 8 (Promoting healthy and safe communities) - The proposals have been designed with safety and security in mind.

Section 11 (Making Effective Use of Land) - The proposal would make effective use of land utilising previously developed site in an urban location.

Section 12 (Achieving Well-Designed Places) - It is considered that the proposals reflect the local character in terms of height, scale, design, and massing and would achieve a well-designed place.

Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy")

The Core Strategy was adopted by the City 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. The relevant Core Strategy policies for this application are as follows:

Policy SP1 - Spatial Principles

This policy states that priority will be given to the creation of neighbourhoods of choice outside of the regional centre. In particular, developments which make a positive contribution and enhance areas for residents will be supported. Policy DM1- Development Management Follows the principles advocated in the aforementioned policies and informs that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. The relevant issues are given below:

- 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. Development should have regard to the character of the surrounding area.
- o Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

H1 - Housing

This is the overarching housing policy for the city with an emphasis on housing provision in the North, East, City and Inner Areas of Manchester until 2027. Outside the Inner Areas the emphasis will be on increasing the availability of family housing with 90% of residential development provided on previously developed land. New developments are expected to take advantage of existing buildings where appropriate through refurbishment or rebuilding works.

H3- North Manchester

Policy H 3 sets out the housing policy for North Manchester and states that the area, over the lifetime of the Core Strategy, will accommodate around 20% of new residential development. Priority will be given to family housing and other high value, high quality development where this can be sustained.

Unitary Development Plan (UDP)

The UDP has been superseded by the Core Strategy Development Plan, however, some policies have been saved and are extant within the planning process. Of relevance to this application is saved policy DC1 - Residential Extensions.

Principle

Having regard to the existing planning policy framework, the City Council policy and national planning guidance, the principle of the development is considered acceptable. The proposal will contribute towards the housing growth strategy, ensuring that development takes place within the right areas to meet demands along with creating high quality places and neighbourhoods of choice.

The proposal will add to the diversity of residential accommodation in the area. Due to the location of the building close to a high frequency transport route. The principle of a flat conversion can be supported in this location.

Specific planning issues are outlined further below.

Residential Amenity

Policies DM1 and SP1 of the Core Strategy advocate that consideration should be given to effects of development upon the amenity, living conditions and the well-being of residents.

In this instance, the proposed development will introduce a residential use into the context of mixed-use environment, involving neighbouring and upper floor residential uses.

The small increase in the number of occupiers is considered unlikely to result in a negative impact upon the living condition of neighbouring occupiers, as a consequence of increased activity or any associated noise and disturbance.

Conditions have been included in relation to waste management and acoustic insulation. There are no windows proposed for the side elevation. In addition to this, no objections were received from local residents in relation to the residential impact of the development, thus the proposal is considered acceptable in terms of its impacts upon residential amenity.

Impact on the Highway

Whilst the City Council does not have any prescribed standards for residential proposals, policy T2 of the Core Strategy and saved policy DC5 of the UDP state that all new developments, including flat conversions, should provide appropriate car parking facilities. However, highways have commented the site is highly accessible by sustainable modes, regular bus services are routed along Lightbowne Road and Kenyon Lane.

It is anticipated that the proposals are unlikely to generate a significant increase in the level of vehicular trips, therefore they do not raise any network capacity concerns.

No off-street parking is available. Given its location the site is considered to be suitably accessible by sustainable modes and is in close proximity to a number of bus routes.

Furthermore, to mitigate any harm and to encourage non car borne trips, a condition has been included which will require cycle storage provision, prior to first occupation of the flats.

Climate change

It is considered that the proposed development would result in a negligible change in air quality. Given that the proposal will result in the addition of one flat, and due to its position close to a busy public transport route, it is considered unlikely that there would be any harmful contribution to air quality or climate change.

Quality of Accommodation

The government's nationally described space standards set out minimum gross internal areas (GIAs) for new dwellings. The flat meets the minimum size. In addition, the habitable room is generously sized and regularly shaped. The flat will provide future occupiers an acceptable standard of living accommodation.

There is access to green spaces within minutes of the application site including Broadhurst Park. It is not possible to provide dedicated private amenity space due to the constraints of the site. However, it is common for upper-floor flats in converted buildings that qualify for prior approval consent are not required to provide outside amenity space. On this basis, the proposal is acceptable.

Security

Access is taken from the side of the plot, into the rear where the staircase will be visible from Oscar Street. GMP commented, the rear wall should be built up in height to match the height of the adjacent alleyway gate. In response to the comments from GMP to increase the height of the wall. The wall is considered to be adequate in terms of height, as a deterrent against crime and any further increase in height would appear incongruous within the street scene. Furthermore, GMP commented the razor wire is not acceptable and the applicant has confirmed its removal. Additional security measures such as the flat entrance door should be certified to BS PAS 24 and the flat entrance door and the gate should be illuminated. An informative has been added to the consent. Therefore, the proposal in security terms is considered to be acceptable.

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:

Article 35 Declaration

Officers worked in a positive and proactive manner with the applicant to address the unauthorised use and to negotiate the submission of the correct information for the application. Therefore, the scheme has now been considered retrospectively and is acceptable and in accordance with the Development Plan.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

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

11B and the Waste Proforma, stamped as received on the 11 May 2023 and the Location Plan, stamped as received 27 March 2023.

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

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

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

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

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

Gardens and terraces (daytime) 55 dB LAeq

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

Reason: To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance, pursuant to policies SP1, H1 and DM1 of the Core Strategy (2007) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

4) Prior to occupation a scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - To ensure adequate refuse arrangement are put in place for the development pursuant to policies EN19 and DM1 of the Manchester Core Strategy.

5) No part of the development shall be occupied until space and facilities for bicycle parking have been provided in accordance with details to be submitted to and approved in writing by the City Council as local planning authority. The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with policies SP1, T1 and DM1 of the Core Strategy.

Informatives

1) Construction/demolition works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:

Monday - Friday: 7.30am - 6pm

Saturday: 8.30am - 2pm

Sunday / Bank holidays: No work

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy

2) Detail should be sought from the applicant in relation to any proposed construction or fitout arrangements, where there is an impact on the highway.

The applicant should be advised that any requirements for licensing, hoarding /scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and NetworkResilience teams via Email -- highwaylicences@manchester.gov.uk highwaynetworkmanagement@manchester.gov.uk

3)The gate into the rear should be to the same height of the wall and of robust construction. There should be a through the wall secure mailbox and consideration should be given to how visitors are managed.

2. The flat entrance door should be certified to BS PAS 24.

3. The flat entrance door and the gate should be illuminated.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

35 Oscar Street, Manchester, M40 9DE
COLLYHURST AND MOSTON LADS CLUB, 2 Oscar Street, Manchester, M40 9EG
Top Flat, 240 Lightbowne Road, Manchester, M40 5EF
231 Lightbowne Road, Manchester, M40 9BA
229 Lightbowne Road, Manchester, M40 9BA
242 Lightbowne Road, Manchester, M40 5EF
240 Lightbowne Road, Manchester, M40 5EF
45 Oscar Street, Manchester, M40 9EG

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA