

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132531/JO/2021

Date registered valid: 17 December 2021

Proposal: Variation of condition number 2 (specified plans) from planning approval reference 125483/FO/2019 to allow the use of external render to corner and ground floor, together with amendments to the entrance ramp

Address: 293 Palatine Road, Manchester, M22 4HH

Ward(s): Northenden Ward

Applicant: Mr Fazil Rahmani, 293 Palatine Road, Manchester, M22 4HH

Agent (if any): Mr Saghir Hussain, Create It Studio Architects, Universal Square, Devonshire Street North, Manchester, M12 6JH

Case officer: Linda Marciniak
Tel: 0161 234 4636
Email: linda.marciniak@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 7 February 2022



Application details

Type of application: Variation or Removal of Condition
Development type: Minor Other
Date of site visit: None
Standard consultations: Printed: 23 December 2021 Expired: 13 January 2022
Neighbour notifications Printed: 23 December 2021 Expired: 13 January 2022
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
Listed building: Not applicable
Conservation area: Not applicable
Tree Preservation Order: Not applicable

Description of site/building

The application site is a roughly triangular shaped end of terrace building on the eastern side of Palatine Road in the Northenden District Centre.

The building has elevations to both Palatine Road and Mill Lane with a small private tarmac forecourt at the front and a narrow strip of amenity land at the rear. An open alleyway runs behind the parade.

The building is from the Victorian era of orange-brown header bond brick with red brick banding, arched window openings and is surmounted by a slate roof. Permission was granted in 2020 for the change of use from Office (B1) to Dental Surgery (D1) including the installation of an access ramp, lightwell, bin store and elevational alterations, approved on the 12.08.2020.

Description of area

The site lies towards the northern end of the District Centre, close to the River Mersey and M60 motorway which define its northern boundary. To the west is a petrol filling station with residential beyond with the majority of A1 retail, A3, A5 and B1 land uses falling to the south again with residential terraces or semi's beyond. A block north of Mill Lane also has some A3 restaurants as well as a small Co-Op store. Leisure activities are found in the Mersey Valley to the north which gives access to the National Cycle Network and to Northenden Riverside Park which has a children's play area accessed off Mill Lane.

Description of development

Variation of condition number 2 (specified plans) from planning approval reference 125483/FO/2019 to allow the use of external render to corner and ground floor, together with amendments to the entrance ramp.

The applicant sought pre-application advice from the planning officer with regards to issues with the external elevations when the existing mosaic tiling was removed. This revealed very poor brick elevations underneath which would be difficult to rebuild. In this instance, and following discussion with the senior planner, it was agreed that a render treatment on this corner could be supported. Further work has been done post-approval to retain the arched window headers with glazing.

Since the 2020 application was approved, conditions 4 (Waste Management) and 10 (Travel Plan) have been discharged from that application under application reference: CDN/20/0639.

Consultations & Notification Responses

Neighbour notifications - No comments received.

Highway Services

The alterations to the entrance ramp appear to show it being extended towards the bin store area to create a more appropriate ramp gradient of 1:17.
These proposals are acceptable to Highways.

SUGGESTED PLANNING CONDITION(S): -
None

Environmental Health

No objections as the proposed changes are just to the finish of the building.

Flood Risk Management (10th January 2022)

Condition: Development shall not begin until flood mitigation/resilience measures have been submitted to and approved in writing by the local planning authority. The development shall be constructed and completed in accordance with the approved details.

The following information should also be submitted:

Details of flood mitigation/resilience measures which will be implemented as part of the development.

Further construction details of the lightwell, to ensure that the creation of the lightwell will not create a direct flood pathway to the basement level and therefore the risk of flooding to the basement level during high level storm events is not increased with the external alterations.

An emergency flood evacuation plan, identifying safe access and egress routes.

Reason: To prevent the increased risk of flooding and to ensure safe access can be achieved during flood events.

Environment Agency

As submitted, we have no objection, in principle, to the proposed variation of permission proposed as part of 132531/JO/2021.

A check of the details submitted for the application confirms that the alterations made will result only a minor change to the overall development footprint / external building area (extension to previously proposed building access ramp). Therefore, the changes proposed will have a negligible impact upon the flood risk of the development, as previously assessed as part of 125483/FO/2019.

However further to the above principle position, we would like to take this opportunity to draw to the applicant/agent and Manchester's attention that as part of 132531/JO/2021 a revised Flood Risk Assessment (FRA) has not been submitted.

As 132531/JO/2021 is a Section 73 application (under the Town and Country Planning Act) it can be considered to constitute a new development. Therefore, to ensure accordance with paragraph 167 of the National Planning Policy Framework (NPPF) this application should be supported by a FRA which where necessary is revised to reflect the newly proposed development / alterations; utilising the most recent assessment and planning practice guidance available e.g. our climate change allowance guidance for assessing floor risk was revised in June 2021 post-determination of 125483/FO/2019.

In this instance a revised FRA has not been submitted but given the changes proposed to development are negligible when compared to original permission, we have opted to take a

pragmatic position and have not sought to enforce the requirement of paragraph 167 of the NPPF in this instance. We defer to Manchester as the planning authority to determine as to whether the submission of a revised/updated FRA will be required for 132531/JO/2021. We ask that we are notified of the decision made by the planning authority.

Policy

The proposal is assessed with regards to the following development plan policies and chapters within the National Planning Policy Framework:

Chapters 8, 12 and 14 of the NPPF
Policies SP1, DM1 and EN14 of the Core Strategy
Policy DC14 of the UDP

National Planning Policy Framework (July 2020)

The National Planning Policy Framework (NPPF) was revised and updated in July 2018 (with subsequent revisions in 2020), following a consultation. It provides the background against which local plans are drawn up and applications for planning permission are considered.

Chapter 8 of the Framework promotes the creation of healthy and safe communities. At paragraph 91, decision-making should aim to achieve healthy, inclusive and safe places which:

- a) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs - for example through the provision of local shops.

Paragraph 92 emphasises that to provide services the community needs, decisions should:

- a) take into account and support the delivery of local strategies to improve health and well-being for all sections of the community;
- b) 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;
- c) ensure that established facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- d) ensure an integrated approach to considering the location of services.

Chapter 9 of the Framework relates to Sustainable Transport with paragraph 108 emphasising that in decision-making:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 says that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Chapter 12 focuses on the contribution that planning can make towards achieving well-designed places.

Paragraph 130 provides guidance on the outcomes of planning policies and decision which should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Chapter 14 provides guidance on the challenges to development arising from climate change, flooding and coastal change. For the purpose of decision-making, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment (Paragraph 167).

Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Core Strategy

The Core Strategy Development Plan Document 2012 -2027 ("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.

Appendix C of the Core Strategy has a list of superseded policies and their replacements. 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 specific policies are considered to be particularly relevant to the proposed development:

Policy SP1- Spatial Principles

Policy SP1 states under Core Development Principles, 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; and

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.

Policy DM1 - Development Management

This policy 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:

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 and 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.

Green Infrastructure including open space, both public and private.

Flood risk and drainage.

Existing or proposed hazardous installations.

Developers will be required to demonstrate that new development incorporates sustainable construction techniques.

Unitary Development Plan for the City of Manchester (adopted 1995)

The site is unallocated in the UDP, but the following general saved policies are material to the application:

DC14 Shop fronts and related signs.

DC14.1 states that in determining applications relating to shop fronts, the Council will seek to ensure that proposals are in keeping with the character of the building and adjoining buildings, of adjoining shopfronts, where appropriate, and of the area within which the premises are located.

For reasons outlined below, it is considered the proposal accords with the above policies.

Issues

Principle

The proposal represents amendments to a previously approved scheme. Amendments are now sought following works to implement the permission which has revealed issues with the underlying brick fabric beneath the applied mosaic tiling at ground floor, and to improve the ramp gradient.

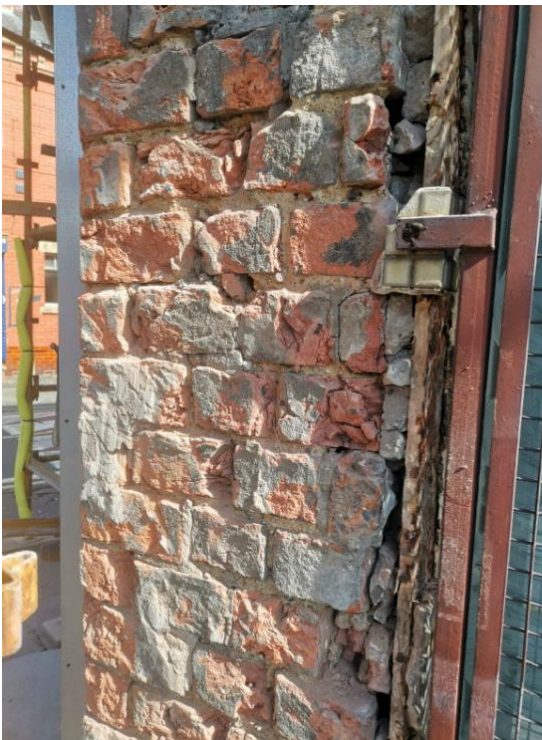
The proposals are acceptable subject to satisfactory impacts on visual amenity, disabled access and pedestrian and highway safety.

Visual amenity - Render

The approved scheme negotiated to remove the uncharacteristic mosaic tiling to the corner of the front and side elevations and reinstate what was assumed to be a good standard of the underlying header bond brickwork that is characteristic of this and many older buildings in the District Centre.



Elevations with mosaic tiling (2019)



The contractor appointed to carry out the tile removal noted that the underlying brickwork was badly spalled, with headers cut through in several places. It was also



noted that this brickwork was not the characteristic buff brick in a header bond, but a more utilitarian orange brick in a Flemish bond which may have been used to rebuild around the door and large plate glass front window when these replaced the Victorian originals. As such, there is no objection to replacing this with a clean and smooth render application on this corner.

The render will contrast well with the original brick which will clearly distinguish the two elements. It will also tie in well with the updated window and door frame replacements which will lift the overall appearance of the building to the benefit of its character and the wider street scene.

The render will be broken up by introduction of a slim ground floor window to replace the corner door as approved in the 2020 application, and through reintroduction of a plate glass window on the Palatine Road frontage. These will add visual interest and promote intervisibility which will help animate the street scene.

It will remove the ad hoc palette of materials on this building which is seen widely in the District Centre and gives rise to an impression of visual clutter.

As advised in the original application, the applicant has also committed to removing the paint from the brickwork at first floor, and to maintaining the arched headed windows. This is welcomed in securing and revealing as much of the original character and fabric as possible on this attractive building.

Finally, being on the corner of Mill Lane, the building is at the gateway to the Northenden Conservation Area at the eastern end of the lane; the elevational alterations will therefore ensure that its vital character is preserved and enhanced.

On this basis, the proposal has appropriate regard to Core Strategy policies SP1 and DM1, saved UDP policy DC14 and Chapter 12 of the NPPF.

Ramp

The ramp will run on land within the applicant's curtilage to the re-opened side entrance which is proposed to be the new main entrance. In this proposal, the ramp is proposed to be lengthened along the Mill Lane back of footpath towards the rear disabled car parking space. This will enable a gradient of 1:17 to be achieved which presents a more comfortable means of access for wheelchair users and those using pushchairs to access the building to current acceptable standards within Part M of the Building Regulations.

Highways / Travel / Parking

The proposal does not impact on the parking implications for the site which was approved with the single disabled car parking space in the rear yard. Access into this space is still feasible and has been improved as the ramp comes closer to the rear elevation of the building. As there is no loss or impediment to accessing the parking space, Highway Services have not raised an objection to the proposal subject to a condition as appended for marking out the space prior to commencement.

On the basis of the above, it is considered that the proposal will not result in any loss or impediment to the rear disabled parking space or to bin storage and waste management, pursuant to policies DM1 and T2 and to Chapter 9 of the NPPF.

Flood Risk

The site lies within Flood Risk Zone 3 which is a low risk for surface water flooding. The original application (125483/FO/2019), included a Flood Risk Assessment which was assessed by both the Flood Risk Management team and the Environment Agency, neither of whom objected to

the application nor recommended conditions. Informatives were recommended on the original application by the FRM team following submission of a Flood Risk Assessment. This included passive flood measures for the basement and flood resilience measures including sockets, meters and other electrical equipment raised above 900mm from ground level. It was also recommended that a visible flood emergency evacuation plan is prepared including registration with Floodline to receive a Flood Warning.

On notification of the present application, the FRM team have recommended a condition requiring details of flood mitigation/resilience measures, lightwell construction details and an emergency flood evacuation plan to be submitted prior to the commencement of development. This is an onerous requirement of a minor variation given the small scale of development proposed. Although unlikely given the constraints of the site, should more substantial alterations to the footprint be proposed, then a revised/updated FRA would be required to be submitted as per paragraph 167 of the NPPF, taking account of the latest assessment and planning practice guidance available (EA climate change allowance guidance for assessing flood risk - June 2021).

On assessing the present application, the EA have no objections to the proposal and have opted not to enforce paragraph 167 of the NPPF given the changes proposed to development are relatively minor which they have assessed as having a negligible impact upon the flood risk of the development, as previously assessed as part of 125483/FO/2019.

As such, the variations in this application are considered acceptable to proceed to build without a further assessment of the flood risk potential posed by the development. The original Informatives as applied to 125483/FO/2019 are appended for consistency.

Construction Management

The agent has confirmed that all construction / fit out works will be managed from inside the building and that a basement excavation is unlikely to be needed as minimum head heights to meet Building Regulations requirements will be met. Should any excavation of the basement be necessary, the applicant will need to apply to the Highway and Bridges team showing the calculations for any excavation and cover the costs for any highway encroachment to exact these works. This is reflected in the informative as appended.

An informative is also appended to manage the hours of construction in the interests of residential amenity and highway and pedestrian safety.

Conclusion

For all of the above reasons, the proposal is considered to have appropriate regard to chapters 8 and 9 of the NPPF, policies SP1, DM1 and EN14 of the Core Strategy and saved policy DC14 of the UDP with acceptable impacts on visual amenity, disabled access, accessible disabled parking and bin storage/waste management.

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

The local planning authority in making its decision has had due regard to paragraph 47 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the delegated report. The consultation process raised no objections to the proposed amendments which were justified by the applicant prior to submitting the application.

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 from the date of planning permission 125483/FO/2019, that date being the 12th of August 2020.

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 as received on the 17th of December 2021:

Application Form

Location Plan Ref: A1244(01)AP001

Site Plan Ref: A1244(02)AP001 Rev E

Existing Floor Plan Ref: A1244(01)AP002

Existing Elevations Ref: A1244(01)AP003

Proposed Floor Plans Ref: A1244(02)AP002

Proposed Elevations Ref: A1244(02)AP003

Proposed Elevations Ref: A1244(02)AP004

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) The external elevations of the development hereby approved shall be implemented in accordance with the materials specified in the approved drawings and application forms as set out in Condition 2 of this Decision Notice.

Reason - In the interests of the character and appearance of the building, and visual amenity of the area, pursuant to policies DM1 and SP1 of Manchester's Core Strategy.

4) The premises shall not be open outside the following hours;

Monday to Friday 08:00 - 19:00

Saturdays, Sundays and Bank Holidays 08:00 - midday

Reason - In interests of residential amenity, in order to reduce noise and general disturbance, in accordance with saved policy DC26 of the Unitary Development Plan for Manchester, and policy DM1 of the Core Strategy for Manchester

5) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays.

Reason - In interests of residential amenity, in order to reduce noise and general disturbance, in accordance with saved policy DC26 of the Unitary Development Plan for Manchester, and policy DM1 of the Manchester Core Strategy.

6) Upon completion of the development a verification report shall be submitted to and approved in writing by the City Council as local planning authority 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 acceptable criteria has 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 agreed noise criteria.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties pursuant to saved UDP policy DC26 and to policy DM1 of the Manchester Core Strategy.

7) Prior to the first use of the development hereby approved, details of any externally mounted ancillary equipment shall be submitted for approval in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment. The approved details shall be implemented and be in place prior to the first use of the development.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy for Manchester.

8) Prior to first use of the development hereby approved, the cycle hoops shown on the Site Plan (Ref: A1244(02)AP001 Rev E) on the Palatine Road forecourt frontage, shall be implemented and made ready for use in accordance with the approved plans and shall be retained thereafter as long as the development is in use.

Reason - To ensure that adequate provision is made for cycle parking so that the site is accessible by a range of sustainable transport modes pursuant to policies SP1, T2 and DM1 of the Manchester Core Strategy.

9) Prior to first use of the development hereby approved, the disabled parking space at the rear of the development shall be demarcated and made ready for use in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority. The approved details shall be implemented in accordance with the approved scheme and retained thereafter as long as the development is in use.

Reason - To ensure that adequate provision is made for disabled parking so that the site is accessible to those with reduced mobility needs or visit pursuant to policies SP1, T2 and DM1 of the Manchester Core Strategy.

Informatives

1) It is recommended that passive flood measures are implemented for the basement and flood resilience measures should be considered for including sockets, meters and other electrical equipment raised above 900mm from the floor level.

It is recommended that an emergency evacuation plan is prepared and displayed within the premises and that the business registers with Floodline to receive a Flood Warning.

2) 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 the occupiers of nearby residential and commercial properties during the construction/demolition phase.

3) Should excavation and/or underpinning structural works be required for fitting out the basement and following assessment from a Structural Engineer, the applicant must provide the necessary structural design drawings and calculations along with payment prior to the works taking place, to the Highways and Bridges Team.

4) The applicant is advised that any construction requirements which may impact the adopted highway (including permitting and need for temporary traffic management) will need to be agreed in advance with the Council's Highways Applications and Network Resilience team (Tel. 0161 234 5004).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Environment Agency

1 Peggy Lane, Manchester, M22 4EU
291A Palatine Road, Manchester, M22 4ET
295A Palatine Road, Manchester, M22 4HH
St Hildas Service Station, 304 Palatine Road, Manchester, M22 4FW
291 Palatine Road, Manchester, M22 4ET
13 Mill Lane, Northenden, Manchester, M22 4HJ
295 Palatine Road, Manchester, M22 4HH
302 Palatine Road, Manchester, M22 4FW

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
Flood Zones Type 2 (low to medium risk) -
Flood Zones Type 3 (high risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH