

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131242/JO/2021

Date registered valid: 25 August 2021

Proposal: Variation of condition 2 (specified plans) attached to planning permission 124237/FO/2019 in order to allow alterations to the elevations

Address: 419 - 421 Barlow Moor Road, Manchester, M21 8ER

Ward(s): Chorlton Park Ward

Applicant: Lucy Hampson, Southway Housing Trust Ltd, Southern Gate, 729 Princess Road, M20 2LT

Agent (if any): Alana Fitchett, DV Architects Unit, 4, Botanic Estate, 198 Edge Lane, Liverpool, L7 9PL

Case officer: Jennifer Connor
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Email: jennifer.connor@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 05.11.2021

Application details

Type of application: Variation or Removal of Condition

Development type: Smallscale Major Dwellings

Standard consultations:

Printed: 2 September 2021 Expired: 23 September 2021

Neighbour notifications

Printed: 2 September 2021 Expired: 23 September 2021

Site notice

Posted: 8 September 2021 Expired: 29 September 2021

Press advert

Published: 7 September 2021 Expired: 28 September 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

The site is located on Barlow Moor Road opposite Chorlton Park which lies to the east, is bounded by the Shell Garage to the North, Cundiff Road to the south and Oakhouse Drive to the West. Chorlton District Centre lies to the north and the commercial units fronting Barlow Moor Road start to give way at this point to a more residential character.

Planning consent was given for the erection of a five storey building and a three storey building to accommodate 39 no. apartments (15 x one bed and 24 x 2 bed) following demolition of buildings, retention and change of use of Unit 1 as ancillary cycle and bin storage, with associated landscaping and parking under application reference 124237/FO/2019 at Planning and Highways Committee on the 19th December 2019.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

Variation of condition 2 (specified plans) attached to planning permission 124237/FO/2019 in order to allow alterations to the elevations

Consultations & Notification Responses

No comments received from neighbouring property

Environmental Health – No Objections

Highways – No Objections

Policy

The relevant development plan in Manchester is the Core Strategy Development Plan Document 2012-2027 (the “Core Strategy”), adopted in July 2012, and the saved policies from the Manchester Unitary Development Plan (UDP), adopted July 1995. The Core Strategy is the key document and 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 originally submitted proposals were considered to be consistent with the following Core Strategy Policies SP1, H1, H6, H8, T1, T2, EN1, EN4, EN6, EN9, EN14, EN15, EN16, EN18, EN19, DM1, PA1, Saved UDP Policy DC26, NPPF, Guide to Development, Residential Quality Guide, South Manchester Regeneration Framework and the Manchester Green and Blue Infrastructure Strategy.

Issues

The changes proposed constitute the revision of the specified plans condition to substitute plans:

Drawing reference 'Proposed Elevations (1479 PL 0200 REV 01)' to be replaced with drawing reference 'Proposed Elevations (1479 PL 0200 - REV 4)

Drawing reference 'Proposed Ground Floor (1479 PL 0100-REV03) to be replaced by drawing reference 'Proposed Ground Floor (1479 PL - REV 4)

The changes constitute

To both Block A and Block B

- Lift shaft overrun added to accommodate lift and associated machinery
- Window heads have been lowered due to the structural beams being required to be much larger than originally anticipated.
- The depth to the ‘floor’ of the Juliet balcony surrounds has been increased to accommodate additional structural support

To Block A

- A smoke shaft has been added to meet Building Control requirements
- Within the north elevation, a full-height ground floor window which sits centrally within the elevation has been removed and replaced with a double plant room door. This allows access to an additional plant space that was found to be required during technical design.
- Within the north elevation, a secondary exit door, located centrally with the elevation on the ground floor, has been removed and replaced with a single window to match those proposed above. This is resulting from a revised fire strategy no longer requiring secondary exit through the rear of the block.
- Within the north elevation, cladding which was previously proposed below projecting window bays has been removed and replaced with brickwork which matches the approved brickwork used within the rest of the block. Reducing the area of proposed cladding by a small amount allows this block to meet insurers and funders requirements to have cladding on less than 25% of the building, for a building of this height. The area of cladding proposed for removal has limited consequence on the overall character of the proposals as it has limited visibility due to its proximity to a boundary fence which largely obscures it from view from the neighbouring petrol station. This 25% rule is not being applied to Block B due to the lower height of the building not triggering the same funding or insurance requirements.
- Omission of Juliette balconies from the south elevation

To Block B

Within the east elevation, a secondary exit door, located centrally within the elevation at ground floor, has been removed and replaced with a full-height ground floor window to match the others proposed adjacent and above. This is resulting from a revised fire strategy no longer requiring a secondary exit adjacent to the main block entrance/exit.

It is not considered that the changes proposed adversely impact upon the design, scale and massing of the two residential buildings, nor do they impact upon the residential amenity of any neighbouring property by virtue of overlooking, loss of privacy, loss of light or overbearing impact. The scheme is still considered to accord with the following Core Strategy Policies SP1, H1, H6, H8, T1, T2, EN1, EN4, EN6, EN9, EN14, EN15, EN16, EN18, EN19, DM1, PA1, Saved UDP Policy DC26, NPPF, Guide to Development, Residential Quality Guide, South Manchester Regeneration Framework and the Manchester Green and Blue Infrastructure Strategy.

Conditions have already been discharged on the original scheme and reimposed conditions take into account information already submitted and agreed. The development is well advanced on site. Another application 131755/FO/2021 has been lodged relating to the site however the changes proposed in this scheme are being dealt with separately.



Proposed

Existing

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

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. The proposal is considered to be acceptable and has been determined in a timely manner.

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:

PL0100 Floor Plan Rev 4

Received 03 August 2021

PL0200 Elevations Rev 4

Received 02 November 2021

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.

2. Material shall be in accordance with details provided with in Condition Discharge Application CDN/20/0358.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

3. The development hereby approved shall only be carried out in accordance with the recommendations of the Crime Impact Statement prepared by Greater Manchester Police (submitted with application 124237/FO/2019) and shall not be occupied or used

until the City Council as local planning authority has acknowledged in writing that it has received written confirmation of a secure by design accreditation.

Reason - To reduce the risk of crime pursuant to Policy DM1 of the Adopted Core Strategy for the City of Manchester.

4. Drainage shall be in accordance with details provided with in Condition Discharge Application CDN/20/0358.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, pursuant to Policy DM1 in the Core Strategy Development Plan Document and the policies and guidance within the NPPF and NPPG.

5. Prior to occupation details of the implementation, maintenance and management of the sustainable drainage scheme should be submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - a. Verification report providing photographic evidence of construction as per design drawings;
 - b. As built construction drawings if different from design construction drawings;
 - c. Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, pursuant to Policy DM1 in the Core Strategy Development Plan Document and the policies and guidance within the NPPF and NPPG.

6. Construction Management shall be in accordance with details provided with in Condition Discharge Application CDN/20/0292.

Reason - In the interest of pedestrian and highway safety, and to ensure that the proposed development is not prejudicial or a nuisance to adjacent dwellings pursuant to policy DM1 of the Core Strategy. Details are required prior to works commencing on site as the impacts of construction works to deliver the development require mitigation.

7. The storage and disposal of waste shall be undertaken in accordance with the Waste Management Plan 1479 PL0011 Rev 04 and drawings submitted with the application and shall remain in situ whilst the development is in operation.

Reason - In the interests of visual and residential amenity, pursuant to Policy DM1 in the Core Strategy Development Plan Document.

8. Before the development is occupied a scheme for acoustically insulating the proposed residential accommodation against noise from Barlow Moor Road and the local traffic network 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 local commercial / industrial premises. The approved noise insulation scheme shall be completed before any of the dwelling units are occupied.

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

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

Living Rooms (daytime - 07.00 - 23.00) 35 Db Laeq

Gardens and terraces (daytime) 55 dB Laeq

Reason - To secure a reduction in noise from traffic and other sources in order to protect future residents from noise disturbance pursuant to policy DM1 of the Core Strategy and saved UDP policy DC26.

9. Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating noise level of 5dB (LAeq) below the existing background (LA90) at the nearest noise sensitive location.

The scheme should be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site.

Reason - To secure a reduction in noise in order to protect future residents from noise disturbance, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

10. When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy (submitted with application 124237/FO/2019) and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Core Strategy.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) none of the dwelling houses hereby approved shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a).

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and

H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

12. Prior to the first occupation of the development hereby approved the cycle parking provision as detailed within the approved drawings and documents shall be installed.

Reason - To assist promoting the use of sustainable forms of travel to the development pursuant to policies SP1, T2 and DM1 of the Core Strategy and the Guide to Development in Manchester SPD.

13. The car parking for the units hereby approved indicated on the approved plans (associated with planning application 124237/FO/2019) shall be surfaced, demarcated and made available for use prior to the first occupation of the development hereby approved. The car park shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with policy DM1 of the Core strategy.

14. No demolition of the building on site or removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended and to comply with policy EN15 of the Core Strategy.

15. The details of the hard and soft landscaping treatment scheme as set out within the approved drawing reference: Proposed Landscaping Plan (479.01B) (with the exception of the species of fruit tree to be agreed) (submitted with planning application 124237/FO/2019) shall be implemented not later than 12 months from the date the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy.

16. Electric Vehicle Charging shall be in accordance with details provided with in Condition Discharge Application CDN/20/0358.

Reason - To promote sustainable development and in the interests of residential amenity, pursuant to Policies DM1 and EN16 in the Manchester Core Strategy (2012).

17. Bird Nesting Features shall be in accordance with details provided with in Condition Discharge Application CDN/20/0358.

Reason: With regards to biodiversity enhancement, in accordance with policy EN15 of the Core Strategy and the National Planning Policy Framework.

18. Prior to occupation of the development hereby approved the windows to the north elevation of the Block A facing northwards above ground floor level shall be obscurely glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

19. Before the development hereby approved is first occupied a Travel Plan shall be submitted to and agreed in writing by the City Council as Local Planning Authority. In this condition a Travel Plan means a document which includes:

- i) the measures proposed to be taken to reduce dependency on the private car by residents and those [attending or] employed in the development
- ii) a commitment to surveying the travel patterns of residents during the first three months of use of the development and thereafter from time to time
- iii) mechanisms for the implementation of the measures to reduce dependency on the private car
- iv) measures for the delivery of specified travel plan services
- v) measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car

Within six months of the first use of the development, a revised Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted to and approved in writing by the City Council as local planning authority. Any Travel Plan which has been approved by the City Council as local planning authority shall be implemented in full at all times when the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel, pursuant to policies SP1, T2 and DM1 of the Core Strategy and the Guide to Development in Manchester SPD (2007).

20. Local benefit shall be in accordance with details provided with in Condition Discharge Application CDN/20/0358.

Reason - The applicant has demonstrated a commitment to recruiting local labour pursuant to policies SP1, EC1 and DM1 of the Manchester Core Strategy (2012).

21. Prior to the occupation of the development, a scheme of highway works, in order to provide an adequate pedestrian and vehicular environment in the vicinity of the application site, shall be submitted for approval in writing by the City Council, as Local Planning Authority.

For the avoidance of doubt this shall include the following:

Improvement to the state of the existing access to the site

The approved scheme shall be implemented and be in place prior to the first occupation of the residential element of the development hereby approved and thereafter retained and maintained in situ.

Reason -To ensure safe access to the development site in the interest of pedestrian and highway safety pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012)

22. Notwithstanding the details shown on the approved plan (associated with the parent consent 124237/FO/2019), this does not give any approval to the gates shown on Proposed Site Plan PL0002 Rev 4 and prior to the occupation of the development hereby permitted details of the location and design of all security gates and other security measures necessary shall be submitted to and agreed in writing by the local planning authority. Development shall only be carried out in accordance with the approved details.

Reason - To reduce the risk of crime and to achieve permeable design, pursuant to policy DM1 of the Adopted Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

List of properties notified on Uniform

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) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH