MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	128249/FO/2020
Date registered valid:	8 October 2020
Proposal:	Installation of two non opening ground floor windows to the Orchard Street elevation and installation of windows to the side (2nd floor) and rear (1st floor) elevations in connection with the conversion of the 2 no. one bedroom flats into 2no. two bedroom flats
Address:	200 Burton Road, Manchester, M20 2LW
Ward(s):	Didsbury West Ward
Applicant:	Mr Horton, Willed Limited, Edenfield, One Oak Lane, Wilmslow, SK9 2BL
Agent (if any):	Mr Mark Newman, Building Sense Limited, 37 Tanfield Road, Manchester, M20 5GE
Case officer:	Dave Morris Tel: 0161 600 7924 Email: dave.morris@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**17.03.2021**

Application details

Type of application: Full Application Consent

Development type: Minor Office

Standard consultations:
Printed: 14 October 2020 Expired: 4 November 2020

Neighbour notifications
Printed: 14 October 2020 Expired: 4 November 2020

Site notice
Posted: 03 November 2020 Expired: 24 November 2020

Press advert
Published: 20 October 2020 Expired: 10 November 2020

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

This application relates to a three storey end of parade property located on the west side of Burton Road at the junction with Orchard Street. The ground floor is in use as a bar and there are two one bed flats on the upper floors. The gable has been rebuilt and contains a large fixed window, an entrance and a small window to the ground floor, four windows to the first floor and three windows to the second floor. In the front elevation there are bi folding doors at ground floor level and an entrance in the corner. The rear elevation contains a single window at first floor level.

Listed building: Not applicable

Conservation area: Albert Park Conservation Area 1988

Tree Preservation Order: Not applicable

Description of area

Burton Road is a local centre. Adjoining to the south, facing the site across Orchard Street are commercial properties with residential above. There are residential properties facing the site across Burton Road and to the rear on Orchard Street.

The site is within the Albert Park Conservation Area.

Description of development

This application seeks to insert two non opening windows in the Orchard Street elevation of the bar, enlarge one of the second floor windows to a flat on the Orchard Street Elevation and enlarge the window on the rear elevation, again to a flat.

The new windows would be the same in appearance to existing windows in the property.

An earlier proposal to insert bi folding doors in the Orchard Street elevation has been dropped due to concerns about noise breakout.

The conversion of the flats form one bed to two bed is not development.

Consultations & Notification Responses

Elected Members

Councillor John Leech has made the following comments in respect of the application.

He has been nominated onto the planning committee, however, he has already expressed an opinion on this application, and therefore would not be able to vote in committee on it.
Bi-fold doors will result in people congregating on the pavement and moving between the bar and pavement. This will create noise and disturbance on the residential street, and risks extending the Burton Road business area onto the side streets. This will result in significant disamenity to residents on Orchard Street.

Local Residents/Businesses

No representations received.

West Didsbury Residents Association

Have objected to the original proposal. The issues raised are summarised below.
-The existing consent for outside use is for Burton Road only and not Orchard Street.
-Concern is expressed about noise breakout if the bi fold doors are inserted into Orchard street and it becomes a seating area and the impact this will have on residential amenity.
-They are concerned about the impact of outside seating on the operation of the centre, as pedestrian routes become obstructed.

The Association further request that the Bi fold doors are deleted from the scheme.

Environmental Health – Issues initially raised through deletion of bifold doors and insertion of non-opening windows.

Policy

Core Strategy

The relevant Core Strategy policies are DM1 and EN3

Policy DM1 seeks to protect the amenity of an area from the adverse impact of development.

Policy EN3 seeks to protect the City's heritage assets from the impact of development.

Unitary Development Plan.

The relevant saved UDP policies are DC18 and DC26

Policy DC18 requires new development to preserve or enhance the conservation areas.

Policy DC26 seeks to protect the amenity of an area from noise.

Issues

Principle

This application has been amended and the bi folding doors to Orchard Street have been deleted from the scheme. Consent is only required therefore for the two non opening windows in Orchard Street and the enlargement of the two windows to the flats. The internal reconfiguration of the flats does not require planning permission. The broad principle of the amended works is considered acceptable.

Design

The proposed windows in the side elevation reflect the existing windows in terms of there design and choice of materials. In design terms there are no issues with the proposal.

Residential amenity

It is considered that by deleting the bi folding doors the principle concern that affected the application, namely noise breakout and its impact on residents has been removed from the scheme. The fixed windows face the gable of the commercial property across Orchard Street.

On balance it is considered that the proposed ground floor window will not impact on residential amenity.

The windows to the flats which are existing but enlarged face the gable to the commercial property across Orchard Street and the front garden/drive to the house on Orchard Street. On balance it is considered that there would be no significant loss of amenity from the enlarged windows.

Impact on the character of the conservation area.

This gable has been rebuilt and has lost some of its original character. The proposed windows are of a design that matches others in the gable. On balance it is considered that the development would have a neutral impact on the character of the conservation area.

Conclusion.

By deleting the bi folding doors the principle object to this application has been removed. The amended scheme is considered acceptable in all other respects.

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 issues arising from the consideration of this 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 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:
18056 - 11 revision D received 10 Febnruary 2021
18056 - 12 revision received 10 February 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.

3) The development hereby approved shall be constructed using materials that match those in the existing building in terms of colour, size and texture as specified on the application forms.

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.

4) The ground floor windows to the bar in the Orchard Street elevation shall be installed and maintained as none openable and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from noise in accordance with policies SP1 and DM1 of the Core Strategy and saved Unitary Development Plan policy DC26.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
West Didsbury Residents Association

Office 2, 2 Orchard Street, Manchester, M20 8LP
198 Burton Road, Manchester, M20 1LH
Flat Above, 202 Burton Road, Manchester, M20 2LW
Thyme Restaurant, 202 Burton Road, Manchester, M20 2LW
Flat 2, 2 - 6 Orchard Street, Manchester, M20 2LP
200B Burton Road, Manchester, M20 2LW
1 Orchard Street, Manchester, M20 2LP
Flat 8, 2 - 6 Orchard Street, Manchester, M20 2LP
Flat 5, 2 - 6 Orchard Street, Manchester, M20 2LP
Flat 1, 2 - 6 Orchard Street, Manchester, M20 2LP
161 Burton Road, Manchester, M20 2LN
200A Burton Road, Manchester, M20 2LW
2 - 6 Orchard Street, Manchester, M20 2LP
159 Burton Road, Manchester, M20 1LD
202 Burton Road, Manchester, M20 2LW
Flat 7, 2 - 6 Orchard Street, Manchester, M20 2LP
Flat 6, 2 - 6 Orchard Street, Manchester, M20 2LP
Flat 4, 2 - 6 Orchard Street, Manchester, M20 2LP
Flat 3, 2 - 6 Orchard Street, Manchester, M20 2LP

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
Conservation Area - Albert Park Conservation Area 1988
Area Team Boundary - Name: SOUTH