

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129204/NMC/2021

Date registered valid: 26 January 2021

Proposal: Non-material amendment to planning approval reference 123559/JO/2019 to the soft and hard landscaping in relation to statutory and/or utility company requirements

Address: Former Old House At Home Pub , 73 Burton Road, Manchester, M20 1HB

Ward(s): Old Moat Ward

Applicant: Short Construction, Unit H2 Oak Green, Stanley Business Park, Cheadle Hulme, Handforth, SK8 6QL

Agent (if any): Mr Kathryn Valentine, OMI Architects, 31 Blackfriars Road, Manchester, M3 7AQ

Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 02.03.2021

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: None undertaken for this type of application

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

No neighbour notifications have been printed and sent.

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: Not applicable

Tree Preservation Order: There are TPO trees on the site to be retained and are not part of works associated with this NMC application

Description of application site

The application site relates to a rectangular parcel of land approximately 0.15 hectares in size fronting Burton Road, with Darlington Road to the south; the rear of the terraced properties of 1-10 Newton Avenue to the south-east; and, a terrace of three properties to the north-east. The site is not located within a conservation area, and the building on site is not listed.

Description of proposal

Planning permission was granted for the erection of 12 four bedroom family three storey dwellinghouses with associated car parking, landscaping and boundary treatments following the demolition of the existing public house on site under planning reference 119450/FO/2018 in September 2018.

A variation to that approval was granted in 2019 under reference 123559/JO/2019 which allowed the following amendments can be undertaken:

- Kitchen windows to the driveway of plots 1-5 & 8-12;
- Elevational alteration to the feature brickwork to the front elevation of plots 6/7;
- Removal of rear external planters;
- An increase in the quantity and even distribution across the site for photovoltaic panels to the rear pitched roofs;

- Amendments to rear garden landscaping; and,
- Alteration to treatment to the roofs of the rear outriggers to and alteration to the front boundary treatment to plots 8 & 9

The current non-material amendment application seeks changes to the way in which trees are planted in the front gardens to plots following discussions between the applicants on site contractors and the gas infrastructure provider Cadent. These discussions have indicated that the original way of incorporating trees solely within the amenity spaces in front gardens cannot be undertaken because of the proximity to gas pipelines within the pavement.

The tree pits proposed at ground level are to be replaced with raised planters formed from a metal edge, installed in situ on concrete pads. The species of tree has been changed to suit the raised planters.

In addition the project has been revised to allow for the removal of stepped access to front entrances, the steps, and associated tactile paving, on the approved plans have been omitted to the front curtilages of plots 1-6 and replaced with ramped access.

Materiality

Section 96A of the 1990 Act (as inserted on 1st October 2009 by sec.190 of the Planning Act 2008) allows a local planning authority in England to make a change to any planning permission relating to land in its area if it is satisfied that the change is not material. In deciding whether a change is material, the authority must have regard to the effect of the change, together with any previous non-material changes, on the planning permission as originally granted.

The application proposals are for a change to the way in which trees are incorporated into the front amenity spaces and removal of stepped access to the front of some of the plots. Overall it is considered that the proposed revisions are of a minor nature and would have no more impact upon either visual or residential amenity than the approved scheme. The amendments would still accord with policies SP1 and DM1 of the Core Strategy and the National Planning Policy Framework (NPPF) and saved policy DC1 of the UDP.

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

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

PARA1) The proposed amendments relate to the provision of raised planters formed from a metal edge, installed in situ on concrete pads to the front of properties; and the removal of stepped access to front entrances, the steps, and associated tactile paving have been omitted to the front curtilages of plots 1-6 and replaced with ramped access.

PARA2) Following an assessment of the details submitted, the Council can confirm that the proposed amendments are considered to be of a non-material nature and acceptable to the City Council as the Local Planning Authority. The City Council is satisfied that the proposed changes will have no significant material impact upon the appearance on the development within the street. It is also considered that the proposals would not have any impact on the amenity of any existing or future residential properties or on the visual amenity of the wider local area

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

Drawings:

L1105 Rev C 'Proposed Ground Floor Plan'; L1006 Rev B Proposed First Floor Plan'; L1007 Rev B Proposed Second Floor Plan'; L1100 Rev B 'House Type A Plans and elevations'; L1101 Rev B 'House Type A variant plans and elevations'; L1110 Rev B 'House type B plans and elevations'; L1120 Rev B 'House type C Plans and elevations'; L1130 Rev A House type D plans and elevations'; L1500 Rev C 'site section'; L1500 Typical Section 1; L1501 Typical Section 2; L1600 Rev B 'elevation -Burton Road'; L1605 Rev B ' elevation - Darlington Road'; L1610 Rev B 'elevation -from footpath'; L1620 Rev B 'context elevation Burton Road'; L1010 Rev B 'Proposed Boundary Treatments'; L1020 Rev B 'Waste Management Strategy'

All prepared by OMI Architects received by the City Council as local planning authority on the 10th May 2019.

L1105 Rev D 'Proposed Ground Floor Plan' both received by the local planning authority on the 14th August 2019

L1006 - REV B SITE PLAN - LANDSCAPE/BOUNDARY SETTING OUT as received on the 26th January 2021

External Works Section A2501 - A

Planting Plan prepared by DEP Landscape Architecture Ltd drawing 01 Revision C02 both as received on the 2nd March 2021

Documents:

Contaminated Land report prepared by Argyll Environmental reference AEL-0082-TSC-923437; Crime Impact Statement prepared by GMP Design for Security Version A dated 9th March 2018; Preliminary Ecological Appraisal Rev 1 prepared by Urban Green; Heritage Statement January 2018 prepared by Wardell Armstrong; all received by the City Council as local planning authority on the 20th March 2018

Design and Access Statement Revision A prepared by OMI architects received by the City Council as local planning authority on the 25th June 2018

Air Quality Assessment prepared by REC ref: AQ105603R2; Arboricultural Impact Assessment Rev 3 June 2018 and Arboricultural Monitoring Schedule both prepared by Urban Green; Planting Plan Rev A; Noise Impact Assessment prepared by The Energy Council Ref Z21365A; Transport Statement prepared by SCP 18069/TS/1/VAL; Archaeological Desk Based Assessment March 2018 prepared by Wardell Armstrong; Daylight Analysis prepared by The Energy Council Ref: Z21365.1A; Drainage Strategy plan L1030 Rev A; Drainage Strategy Report Rev 1 prepared by Scott Hughes; Ecological Assessment Rev 1 prepared by Urban Green;
Environmental Standards Statement - Ref: Z21365.1 Rev.2 prepared by Energy Council all received by the City Council as local planning authority on the on 22nd June 2018

The Bird and Bat box information within the report prepared by Urban Green reference 11685 Issue 01 dated 17th October 2018 as approved under condition discharge reference CDN/18/0796.

The Bat Mitigation information as approved under condition discharge reference CDN/18/0797

The Archaeological Evaluation Report information as approved under condition discharge reference CDN/19/0488

Pre-commencement site checks information prepared by Peter Duckworth dated 20th January 2019 received in connection with CDN/19/0410 received on the 16th May 2019

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.

12) The details of the hard and soft landscaping treatment scheme as set out within the approved drawing references: 'Planting Plan prepared by DEP Landscape Architecture Ltd drawing 01 Revision C02 as received on the 2nd March 2021 and L1006 - REV B received 26th January 2021 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.

Appendix 1 – List of consultees & neighbours notified

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

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH