

## **Planning**

## **Growth & Development**

### **Delegated officer report for planning application**

**Application no.** 127887/NMC/2020

**Date registered valid:** 2 September 2020

**Proposal:** Non-material change to planning permission ref: 122465/FO/2019 to retain the existing vehicular entrance gates and pedestrian entrance gate

**Address:** Goodwood Lodge, 22 Russell Road, Manchester, M16 8GD

**Ward(s):** Whalley Range Ward

**Applicant:** Johnnie Johnson Housing Trust Astra House, Spinners Lane, Stockport, SK12 1GA

**Agent (if any):** Kevin Ma, TADW Architects, 6 St Petersgate, Stockport, SK1 1HD

**Case officer:** Robert Griffin  
Tel: 0161 234 4527  
Email: [robert.griffin@manchester.gov.uk](mailto:robert.griffin@manchester.gov.uk)

**Recommendation:** APPROVE

**Date of recommendation:** 29.09.2020

## **Application details**

**Type of application:** Non-Material Change Application

**Development type:** Notifications

**Date of site visit:** non undertaken

### **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:** Whalley Range Conservation Area 1992

**Tree Preservation Order:** Not applicable

The application site is known as Goodwood Lodge and consists of a two storey building containing existing sheltered residential accommodation with an adjacent communal hall. Goodwood Lodge is a small two storey block containing seven sheltered apartments for older people. The communal hall is contained in a predominantly single storey element of the building located adjacent to the shared parking area. This rectangular structure contains the main hall at the front with ancillary rooms at the rear. Part of the large roof void above the hall is occupied by one of the existing seven apartments on the site.

The wider application site includes Tangmere Court. Johnnie Johnson Housing Trust own and manage Tangmere Court, a large sheltered housing scheme on the corner of Russell Road and Dudley Road. Tangmere Court is a four storey residential block dating from the 1960s/70s.

The application site is located within the Whalley Range Conservation Area. The Conservation Area was designated to protect this mid-19th century residential suburb of Manchester. In particular, this status seeks to preserve the street pattern and original built fabric of the area. Typically this consists of a tree-lined street network with large plots containing mid-late Victorian detached houses, or early twentieth century semi-detached properties.

Most of the existing houses immediately surrounding the site consist of large Edwardian semis, or more modest pre-war houses. However Tangmere Court and Goodwood Lodge are both post-war buildings built in a rather utilitarian modernist style, neither of which contributes significantly to the character of the area.

Planning permission reference 122465/FO/2019 granted permission for the conversion of the hall into 5 no. new self-contained apartments aimed at the over 55s. As part of that approval a number of matters were reserved by condition including the installation of the boundary treatments as shown on the approved drawings. In addition a condition was attached for the provision of a scooter store given the potential age of occupiers and needs for such aids to assist residents.

The current application seeks amendments to the permission to retain the existing pedestrian and vehicular access gates and originally also included the removal of the scooter store from the development.

The agent has clarified a number of matters relating to this application. These are:

The proposed works involve the conversion of an existing building by a housing association (Johnnie Johnson Housing Trust) to create five new over 55s independent living flats. These will supplement the existing provision of 45 No. similar apartments at the Goodwood Lodge/Tangmere Court development.

A new scooter store was originally proposed as part of the development works in order to improve the current provision at the adjacent Tangmere Court. There are 4 No. scooters presently on site, of which one is stored inside the building and the other 3 on the patio. It was never really intended that the new scooter store provision would directly serve the 5 new apartments, as the proposed resident group are anticipated to be relatively able bodied. Also, with only five new apartments proposed, it is not expected that the additional flats will increase the current storage problems at the development.

As a result the proposal is to remove them from the current contract and are therefore seeking to have the wording of Condition 9 amended to reflect that the existing scooter store provisions serving Tangmere Court is to remain as existing.

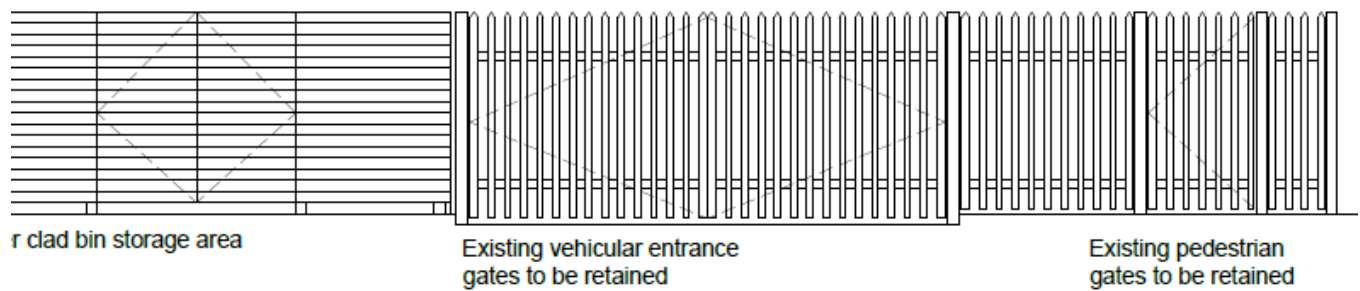
The omission of the new vehicular and pedestrian gates to the car park, this was put forward as an improvement to the current set of gates on the premises. The amendment sought is to retain the existing gates into the site rather than now replace them as part of the development.

## **Issues**

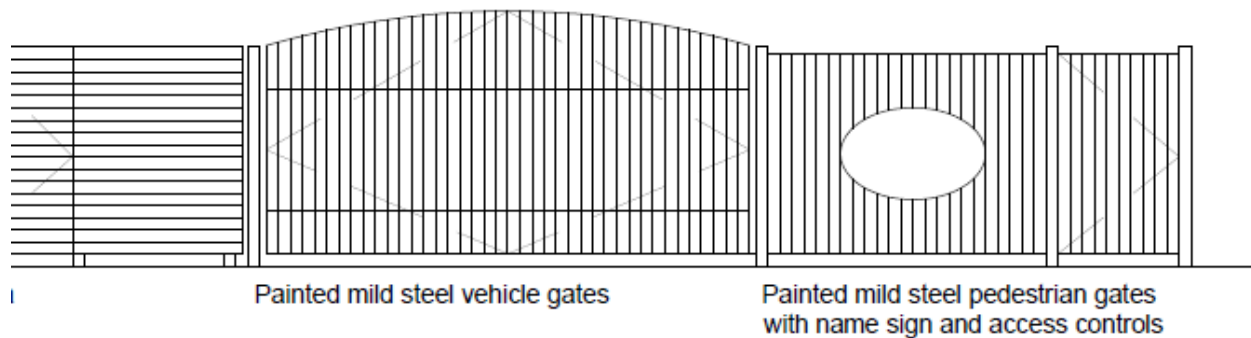
### **Materiality**

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.

In this instance the applicant has indicated that the existing on site scooter provision is to be retained and no further provision is considered to be required for the 5 flats. Correspondence with the agent has identified that this element should be more appropriately considered under a condition discharge request against the appropriate condition of the approval rather than through this non-material amendment application. They have therefore removed this element from consideration under this application.



Details of existing gates to be retained.



from Russell Road  
Previously approved gates

In terms of the boundary treatments the original approval included for amendments to the existing vehicular and pedestrian gates which were subsequently referred to in condition 6 of planning approval 122465/FO/2019. The applicant's agent has indicated the intention is now to retain the existing pedestrian and vehicular access gates in situ rather than replacing them. It is considered that this amendment given the gates currently exist is acceptable in this instance and would not be a material change to the consent.

### **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**

- 1) The proposed amendments relate to the retention of the existing vehicular and pedestrian gates.
- 2) Following an assessment of the details submitted, the City 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 are minor in nature and would not have a significant material impact upon the overall design and external appearance of the previously approved development. It is also considered that the proposals would not have any impact on the visual amenity of the wider area.
- 6) The development shall be completed in accordance with the positions, design, materials, and type of boundary treatment to be erected positions, heights and designs of the proposed boundary treatments as shown on the drawing numbered 711234 04 P6 received by the City Council on the 28th September 2020. The boundary treatment shall then be completed in accordance with these approved details prior to the development first being occupied and shall thereafter be retained as long as the building is occupied.

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 in order to comply with policies SP1 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

Conservation Area - Whalley Range Conservation Area 1992

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: SOUTH