

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141510/NMC/2024

Date registered valid: 19 November 2024

Proposal: Non-material amendment to planning approval reference 127016/FO/2020 to allow the installation of two new electrical boilers instead of two gas boilers to two of the upper floor flats which includes omitting two flues through the roof along with the internal rerouted flue pipes

Address: 363 Wilmslow Road, Manchester, M14 6XU

Ward(s): Withington Ward

Applicant: Mr David Feltham, Norton Place Limited

Agent (if any): Miss Jane Leach, iarchitect Limited

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

Recommendation: APPROVE

Date of recommendation: 12.12.2024

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: 20th November 2024

Standard consultations:

Printed: 20 November 2024

Expired: 11 December 2024

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: Grade II

Conservation area: N/A

Tree Preservation Order: N/A

Description of area

The application property is a grade II listed building, having been formally designated in 1974, and forms an end property of a short terrace row of three buildings known as 'Norton Place'. The property was originally constructed as a dwellinghouse, along with the other two buildings in the row. Predominately two storey in height, the property benefited from a basement area, two-storey outrigger to the rear and attic accommodation. The front of the property has two ground floor bay windows with central entrance door way and steps. The bays and doorway have distinctive decorative detailing as do the eaves of the property. The upper floor windows have vertical sash windows, with vertical glazing bars, and a more simple stone surround. The side gable wall to the property has a similar bay window as the front elevation with decorative features and an upper floor window, which again follows the same style and features as the front elevation. The rear elevation of the property was once characterised by a two-storey outrigger. This was similar to the outriggers, which remain evident within the remainder of the terrace row at properties 359 and 361 Wilmslow Road known as 'Norton Place'. A low boundary wall and gate post mark the entrance to the front curtilage of the property which once formed the front garden and now consists of hardstanding for car parking. To the rear of the property is a landscaped garden area with cycle store and clothes drying area. The list description for the property indicates it was in use in 1974 as offices and the planning history for the property indicates it was used as a medical centre from 1979 to 2010. There appears to have been an education use in the building subsequently prior to it becoming vacant. The surrounding area is

mixed use in nature. The application property, together with the other properties in the terrace that form Norton Place, retain their residential character.

Description of development

Planning and Listed Building Consent was granted under application references 127016/FO/2020 and 127017/LO/2020 for the erection of basement and two storey rear extension to create 9no. self-contained flats together with other works including internal alterations, the rebuilding of gate piers, the laying out of car parking area and the provision of a cycle store and refuse store.

Works to undertake these permissions had begun prior to the expiry of these consents. The current proposals are as a result of further consideration of impacts on the building from works that have taken place and due to requirements relating to the provision of hot water. As a result, the applicant has removed provision of two gas boilers within two upper floor flats with the replacement for electric boilers, as a result there is now no requirement for the roof top flues previously approved and internal pipe work associated with these boilers. A hand drawn updated elevation plan has been submitted alongside this application to omit the installation of the two external flues on the rooftop. The applicant has submitted a corresponding variation of condition application to listed building consent 127017/LO/2020 to reflect this proposed amendment. Section 96A non-material amendments cannot be made to listed building consents, as such the application has submitted that variation of condition application to the listed building consent to reflect the proposed amendment subject of this non-material amendment application.

Relevant Planning History

March 2001 - Application for Planning permission 061665/FO/SOUTH1/01, Part single part two storey rear extension, new entrance at side of property with access ramp and parking at rear. Approved June 2001.

March 2001- Application for Listed Building Consent 061666/LO/SOUTH1/01, LISTED BUILDING CONSENT Part single part two storey rear extension, new entrance at side of property with access ramp and parking at rear and internal alterations. Approved June 2001.

May 2008 -Planning application 086507/FO/2008/S1 Erection of a part single/part 2 storey extension at rear of property and entrance ramp and new entrance at side of property. Provision of parking spaces in rear garden with associated landscaping. Approved July 2008.

May 2008 - Application for Listed Building Consent 086581/LO/2008/S1 LISTED BUILDING CONSENT for the erection of a part single/part 2 storey rear extension, new access ramp and side entrance, car parking in rear garden and associated landscaping Approved July 2008.

July 2014 - Planning application 106424/FO/2014/S1 Erection of part single, part two-storey rear extension to existing building together with excavation of rear garden to create nine flats, with landscaping and parking Approved September 2014.

July 2014 - Application for Listed Building Consent 106425/LO/2014/S1 Listed Building Consent for the erection of part single, part two-storey rear extension to existing building together with excavation of rear garden and internal alterations in association with the creation of nine flats, Approved September 2014.

March 2015 -Planning application 107448/FO/2014/S1 Erection of part single, part two-storey rear extension to existing building together with excavation of rear garden to create 9no. self contained flats with landscaping and parking, Approved May 2015.

March 2015- Application for Listed Building Consent 107449/LO/2014/S1 Listed Building Consent for the erection of part single, part two-storey rear extension to existing building together with excavation of rear garden and internal alterations in association with the creation of 9no. flats, Approved May 2015.

June 2017 Planning application 116773/FO/2017, Change of Use from doctors surgery to create 10no. self contained flats including the erection of a basement and two storey rear extension to existing building together with excavation of rear garden with associated landscaping and parking, Refused August 2017

June 2017 -Application for Listed Building Consent 116774/LO/2017, Listed Building Consent for the erection of basement and two storey rear extension to existing building to create 10no. self contained flats together with excavation of rear garden with associated landscaping and parking ,Refused August 2017

July 2018 - Planning application 120505/FO/2018, Erection of basement and two storey rear extension to existing building to create 10no. self contained flats together with excavation of rear garden with associated landscaping and parking, Refused October 2018.

July 2018 - Application for Listed Building Consent 120506/LO/2018, Listed Building Consent for the erection of basement and two storey rear extension to existing building to create 10no. self contained flats together with excavation of rear garden with associated landscaping and parking. Refused October 2018. Appeal against refusal of Planning permission 120505/FO/2018 and 120506/LO/2018 dismissed following Public Enquiry in July 2019.

June 2020 - Planning application 127016/FO/2020, Erection of basement and two storey rear extension to create 9no. self contained flats together with various other works including internal alterations, the rebuilding of gate piers, the laying out of car parking area and the provision of a cycle store and refuse store, Approved June 2021

June 2020 - Application for Listed building consent 127017/LO/2020 for the erection of two storey rear extension to create 9 no. self contained flats together with various other works including internal alterations, the rebuilding of gate piers, the laying out of car parking area and the provision of a cycle store and refuse store. Approved June 2021

April 2022 - 133619/JO/2022 - Variation of condition numbers: 2 (specified plans), 5 (false ceiling), 6 (rainwater goods), 7 (timber panelling) and 8 (internal decoration details) from Listed Building Consent reference 127017/LO/2020 to allow amendments: to the materials and layout of steps to the main entrance, materials to be used in the rainwater goods, alterations to the design of windows in the rear extension, heads of windows in the rear elevation of the original building and rear extension treatment of window sills in the rear extensions and omission of dummy window in the side elevation of the rear extension, an alternative treatment of the ceilings of the principal rooms on the ground floor; and, omit replica window shutters and associated skirting and architrave to ground floor flats. Refused July 2022

April 2022 - 133618/JO/2022 - Variation of condition numbers: 2 (specified plans) and 10 (obscure glazing) from planning approval reference 127016/FO/2020 to allow amendments: to the materials and layout of steps to the main entrance, materials to be used in the rainwater goods, alterations to the design of windows in the rear extension, heads of windows in the rear elevation of the original building and rear extension; treatment of window sills in the rear extensions and omission of dummy window in the side elevation of the rear extension; and, to

allow the partial occupation prior to the installation of obscure glazing. Refused July 2022
Subsequent Appeal part allowed part dismissed.

141512/JO/2024 - Variation of condition number 2 (specified plans) from listed building consent reference 127017/LO/2020: To allow external and internal amendments to facilitate the provision of electrical boilers in flats 8 and 10 and remove external flues to the roof and internal pipe work and ducting. Awaiting decision.

Consultations & Notification Responses

None required for this Non-material amendment applications.

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 proposed removal of modern boiler flues from the rear roof slope are considered to give rise to an overall reduction in harm to the existing building from the original planning permission granted through the removal of additional modern features located within the external roof plane. The removal of these features would allow a greater proportion of the original roofscape to be appreciated.

As such the proposed amendments sought by this application are considered to reduce the level of harm to the significance of the designated heritage asset from those identified through the granting of the original consent. There are identified public benefits arising from the overall scheme that were considered to outweigh the identified less than substantial harm and it is not considered that these proposals would alter the conclusions of that assessment and there have been no significant alterations to the local and national planning policy to conclude otherwise.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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 amendment relates to the removal of two boiler flues set within the rear roof slope to the property.
- 2) Following an assessment of the details submitted, the Council can confirm that the proposed amendment is 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 streetscene or character of the wider area. It is also considered that the proposals would not have any impact on the amenity of any existing residential properties.

Conditions

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

363-OD-0102 01 Proposed and Existing site plan - as received on the 28th May 2020

363-OD-0110 Rev 02 Cross Section (As Proposed)

363-OD-0111 Rev 02 Interior Details (Sheet 1)

363-OD-0112 Rev 02 Interior Details (Sheet 2)

363-OD-0113 Rev 02 Window Details (Sheet 1)

363-OD-0114 Rev 02 Window Details (Sheet 2)

363-OD-0115 Rev 02 Front Steps Details

363-OD-0116 Rev 02 External Works Details

363-OD-0117 Rev 01 Window Details (Sheet 3)

363-OD-0119 Rev 01 Replacement Window Shutters

363-OD-0120 Rev 01 Window Shutters (View)

363-OD-0121 Rev 01 Suspended Ceiling Details

All as received via email on the 14th September 2020

363-OD-0109 Rev 03 Elevations (As Proposed) received via email on the 17th October 2020 together with the hand drawn annotations received by the City Council on the 14th November 2024 omitting the two boiler flues on the rear roof from installation

363-OD-0118 Rev 02 Roof Details - both as received via email on the 17th October 2020

363-OD-0108 Rev 04 Floor Plans (As Proposed)- as received via email on the 20th May 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.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Regulation 7 Direction (Control Advert) - Control Of To Let Boards (Wilmslow Road/Egerton Road)

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: SOUTH AREA