

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141112/NMC/2024
Date registered valid: 26 September 2024
Proposal: Non Material Change to approval reference 136127/JO/2023 to relocate external Air Source Heat Pump area.
Address: Yew Tree Manor, Yewtree Lane, Manchester,
Ward(s): Northenden Ward

Applicant: Mr Craig Collishaw, LNC Property Developments Ltd
Agent (if any): Mr Alex Webster-Brown, Jackson Design Associates
Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 18.10.2024

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: Not required

Standard consultations:

Printed: 30 September 2024 Expired: 21 October 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: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The application site is located within a residential area to the south of the M60 Ring Road and to the west of Princess Road/M56. The former Manchester College site on Sale Road is located approximately 150m to the south. Residential accommodation in the area is predominantly 2 storeys in height and constructed post war as part of the southern expansion of the city in Wythenshawe. A recent redevelopment of the former MCC Yard and Cringlewood Social Club car park for 14 no. two storey dwellinghouses bounds the site to the west, whilst to the east on the opposite side of Willenhall Road is an incidental open space with residential properties set around. To the rear (both of the site) are further two storey residential properties on Barry Road which have rear gardens that bound the application site.

The application site originally consisted of an existing nursing and residential care home.

Description of development

Planning approval reference 134207/FO/2022 was granted in October 2022 for the demolition of the existing buildings on the site and its redevelopment for the erection of a part two, part three storey 59 bed care home facility including basement, access, landscaping and associated infrastructure. The proposed care home would provide high quality, 24 hour care for elderly people with a range of complex needs.

A subsequent variation of condition application was submitted and approved (reference 136127/JO/2023) for a variation to the original approval to allow for amendments to the acoustic boundary treatment along the northern boundary which would result in the acoustic fence to meet noise requirements being altered from a 2.1m high fence to a 2.1m high fence with a 750mm cantilever angled at 45 degrees. These amendments required an alteration to condition 2 to allow for the change in the approved drawings to reflect this amendment.

Planning History

030512 - Two storey extension to existing home to form additional bedrooms, toilets, bathrooms and lift - Approved 12/02/1988

035588 - Two storey extension to residential home to form nursing unit for 18 residents - Refused 10/05/1990

039016 - 2 storey extension to nursing home - Approved 24/10/1991

134207/FO/2022 - Erection of a part two, part three storey 59 bed care home facility including basement, access, landscaping and associated infrastructure following demolition of existing building - Approved 13.10.2022

Policies

The following policies are considered relevant in the consideration of this application.

Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan, but certain policies are still considered of relevance:

- Policy DC2 (Rest Homes and Nursing Homes)
- Policy DC26 Noise

The Manchester Core Strategy - Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on the 11th of July 2012:

Policy SP 1 (Spatial Principles)

Policy EN1 - Design Principles

Policy EN3 - Heritage

Policy EN 14 (Flood Risk)

Policy EN19 (Waste)

Policy H 10 (Housing for people with additional support needs)

Policy T1 (Sustainable transport)

Policy T2 (Accessible areas of opportunity and need)

Policy DM1 (Development Management) -

The National Planning Policy Framework (NPPF, 2021)

- Chapter 12 - Achieving Well-Designed Places

Places for Everyone - is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

- Policy JP-P1 - Sustainable Places

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 relates to approved planning permission 136127/JO/2023 which granted permission for the erection of a part two, part three storey 59 bed care home facility including basement, access, landscaping and associated infrastructure.

The applicant now seeks to make an amendment to the approved scheme to relocate the external air source heat pump compound away from the northern elevation of the approved building and into the external landscaped area to be provided for future occupiers of the development. As such the compound would be located immediately adjacent to rear garden boundaries of the residential properties to the north in a location that was previously shown as external amenity space. This would increase the built form adjacent to these boundaries and introduce equipment in an area that those residents would have expected to be free from such equipment and structures.

The applicant has submitted noise impact reports to demonstrate that the moving of the compound would not have unacceptable impacts however the relocation of the compound has consequential changes to the landscaped area (including a reduction in its overall level of provision) and are considered to be a material change to the approved scheme. In addition, an increase in potential areas of hardstanding may impact on the level of permeable areas on the site used in the calculation of the drainage scheme for the site.

As such the proposals subject of this application are considered to be a material change to the approved scheme due to, requiring further notification of neighbouring properties and statutory consultees.

The application is therefore refused on this basis.

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: Refuse

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

1) The proposed amendments relate to the relocation of the external air source heat pump compound away from the approved building and within the landscaped rear garden area to enable functional operation of the proposed external equipment.

2) Following an assessment of the details and plans submitted, it is confirmed that the proposed amendments are considered to be a material change to the planning approval.

The City Council is not satisfied that the proposed changes would not have an impact upon the residential amenity of nearby occupiers or upon the visual appearance of the area.

As such the proposal cannot be determined as non-material under section 96A of the Town and Country Planning Act 1990.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Area Team Boundary - Name: SOUTH AREA