



Your ref:

Our ref: SP/25 Ladybarn Road

Phone: 07807 136 972

Email:

jim.seymour@seymourplanning.com

October 2024

Dear Sir/Madam

**Retrospective Planning Application, Land to the rear of 25 Ladybarn Road,
Manchester, M14 6NR.**

Erection of two no. three storey four bed semi detached houses.

SUPPORTING STATEMENT.

Introduction.

Please find enclosed a Retrospective Planning Application submission regarding the proposed development of the above site consisting of the following supporting information:

1. Application Forms.
2. Ownership Certificate.
3. Site location plan.
4. Application drawings (Set 1: As built, Set 2: Comparison/Overlay).
5. Discharge of conditions information as approved under applications CDN/21/0465 and CDN/23/0293.

Background.

This application has been submitted following approval of previous planning application ref: 128939/FO/2020. Planning permission 128939/FO/2020 has been implemented however a subsequent Enforcement Investigation ref: ENF/15783/24 by Manchester City Council has resolved that the development as constructed is different than the approved plans. The

Council have confirmed that the changes to the as built development are such that a new planning application is required.

This planning application has therefore been prepared to address the differences of the development as built and justify why planning permission should be granted.

Proposal.

The proposal seeks to retain the dwellings as built.

The differences between the as built dwellings and those originally approved under planning permission 128939/FO/2020 are set out below:

1. The addition of single storey timber clad porches to the front elevation of each property.
2. The addition of single storey rear extension to the rear elevation of each property.
3. Alterations to the style, position, and proportions of the fenestration of the properties on the front, side, and rear elevations.
4. Minor increase in ridge height of 0.27m.
5. Addition of additional accommodation in roof space and associated velux rooflights to front and rear roof slopes.
6. Addition of solar panels on rear roof slope.

The above differences are shown on the accompanying plans. To assist with the determination of the application two sets of drawings are included:

- **Set 1** shows the as built development in isolation.
- **Set 2** shows the as built development next too and overlaid with the drawings approved under planning permission 128939/FO/2020. These provide an easily referenceable comparison of the changes.

Analysis.

Although the as built development differs from the originally approved plans it is not considered that the changes are significant or substantial enough to warrant a different outcome.

Taking each variation in turn please note the following:

Addition of porches. These are small scale additions to the front elevation of the property. They are in proportion to the main elevation in scale, add interest to the front elevations breaking up the previous large expanse of brickwork. They do not impact on the space available on the driveways for car parking. They have no impact on adjoining properties. They replace the small canopies that were originally approved over the front door of the properties providing enhanced accommodation for residents.

Addition of rear single storey extensions. These are also small scale additions to the rear elevation which are in keeping with the design of the properties and appropriate in scale. They project 3m from the rear elevation of the property and therefore comply with the Councils maximum standard (3.65m) for this form of development as set out in saved Development Control Policy DC1.3. Given their projection, single storey nature and positioning in relation to the nearest residential properties they do not have an unacceptable impact on neighbouring amenities in respect of overlooking or overshadowing.

Alterations to the style, position, and proportions of the fenestration. The changes are minor and in proportion to the subject property. Other than a change to the appearance of the property they generate no additional impacts.

Minor increase in ridge height of 0.27m. The height increase is negligible. Although the ridge as built is a slightly higher height it is set back slightly further than the originally approved scheme. The difference is therefore slight, and the property still sits appropriately between the existing properties to the east and west within the street scene.

Addition of additional accommodation in roof space. The addition makes efficient use of the space available in the envelope of the building. The rooms are served by Velux roof lights

which offer no direct additional overlooking due to their position/height and angle within the roof slope.

Addition of solar panels on rear roof slope. The solar panels are acceptable in terms of design and appearance and will help with the sustainable credentials of the property.

Summary.

The proposal represents therefore represents a modest scale of infill development that will provide a good standard of private residential accommodation that will appeal to families.

On this basis, the proposal still meets all the policy considerations for infill family housing within Core Strategy policy H6 for South Manchester, the requirements of the Nationally Described Space Standards, the Manchester Residential Quality Guidance document, and will contribute positively towards diversifying the housing stock in the Fallowfield area.

On this basis it is submitted that the application complies with the development plan and represents sustainable development in accordance with the National Planning Policy Framework. It is therefore respectfully requested that planning permission be approved.

Planning Conditions.

All required planning conditions have been discharged. Please see attached schedule and decision notices refs: CDN/21/0465 and CDN/23/0293. The relevant supporting documents as approved by the Council are attached to support this application. The development has been implemented in accordance with these approved details as such any new decision notice issued by the Council should only include those conditions that continue to have effect.

If you require any further information or wish to discuss the proposal, please contact me on the above contact points.

Yours faithfully

Jim Seymour

Town & Country Planning Act 1990 (as amended)
Planning (Listed Building & Conservation Area) Act 1990 (as amended)

Partial approval of details reserved by condition

Applicant

Airshack Projects Ltd
396 Wilmslow Road
Manchester
M20 3BN

Agent (if used)

David Ormesher
Holborow and Ormesher Ltd
Station House
Adams Hill
WA16 6DN

Part 1 – Particulars of the application/development

Proposal: Discharge of Condition numbers 3 (materials), 4 (contaminated land), 5 (waste management), 7 (boundary treatments), 8 (Acoustic insulation), 9 (EV charging points), 10 (cycle parking), 11 (Landscaping), 12 (Drainage), 13 (Secured by Design) and 14 (Construction Management Plan) from planning approval reference 128939/FO/2020

Location: Rear Garden Of 25 Ladybarn Road, Fronting Moseley Road , Manchester, M14 6NR,

Date of application: 23 June 2021

Application number: CDN/21/0465

Part 2 – Particulars of decision (1)

Manchester City Council gives notice that the following detail(s) referred to in Part 1 are **approved** in accordance with the information set out below.

Materials

From the information that has been provided which includes the sample board for Weinerberger Kempley Antique facing brick and the specification sheet for Marley Modern concrete interlocking tile roofing material in Smooth Grey colour, provided by email on the 17th of August 2021,

Condition 3 of application reference 128939/FO/2020 is discharged.

Contam land - Remediation Strategy

With reference to the information provided by email on the 27th of July 2021, which includes the following reports:

Geosmartinfo Contaminated Land Report
GeoAssist Limited Remediation Strategy and Deployment Report
GeoAssist Limited Phase II Contaminated Land Risk Assessment

The Remediation Strategy element of condition 4 of application 128939/FO/2020, can be discharged.

A Validation Report will be required to complete the discharge of this condition, as set out in condition 4 of the above planning approval for the dwellings.

Waste management

From the details which have been provided, as shown on drawing 2079/20/01 B, which includes 4no. waste bins for each property on each rear garden boundary and the bin collection location at the front of each property,

Condition 5 of application 128939/FO/2020 is discharged.

Boundary treatment

From the information that has been provided as shown on drawing reference: 2079/20/01 B, which includes 2 metre high post and rail fencing to each side and rear boundary with adjoining land, 2 metre high close boarded fencing along the neighbouring patio elevation and 1 metre high close boarded fencing between the rear garden boundary's of each property,

Condition 7 of application 128939/FO/2020 is discharged.

EV Charging

Based on the information provided which includes the specification sheet from EV Chargers Direct Ltd received by email on the 10th of August 2021, condition 9 of application 128939/FO/2020 is discharged.

Cycle parking

From the details which have been provided which includes the specification sheet from Asgard High Security Bike Storage, received on the 16th of June 2021, condition 10 of application reference 128939/FO/2020 is discharged.

Landscaping

From the information that is shown on drawing reference: 2079/20/01 B, including areas of lawn, patio, planting and gravel surfaces, condition 11 of application 128939/FO/2020 is discharged.

Construction Management Plan

From the information that has been provided which comprises the Construction Management Plan received on the 16th of June 2021:

Condition 14 of application 128939/FO/2020 is discharged.

Part 2 – Particulars of decision (2)

Manchester City Council gives notice that the following detail(s) referred to in Part 1 are **refused** in accordance with the information set out below.

Contaminated Land - Validation Report

From the information that has been provided in the email dated the 20th of July 2021, which includes the following documents:

Geosmartinfo Contaminated Land Report
GeoAssist Limited Remediation Strategy and Deployment Report
GeoAssist Limited Phase II Contaminated Land Risk Assessment

Condition 4 is not fully discharged. The condition will be discharged in full on receipt of a satisfactory Validation Report

Acoustic insulation

With reference to the information provided to discharge condition 8, specifically the Acoustic Assessment by Miller Goodall, dated 10/6/21, ref: 102573, the following details in the report need to be resolved:

Trickle vents are not acceptable as ventilation and noise levels are too high to open windows and meet MCC noise criteria. Therefore, mechanical ventilation details and an overheating assessment should be submitted.

Furthermore, the external noise levels in Table 3 seem low when looking at the graph presented in 6.1.5.

The requirement to address these concerns was communicated to the agent in the email dated the 2nd of August 2021. As such, condition 8 of application 128939/FO/2020 cannot be discharged at the present time.

Drainage

From the information that has been provided, specifically, the Sustainable Drainage Assessment provided by Geosmart Information Limited (report Ref: 74124R1) dated the 17th of December 2020, the following information is required:

Confirmation of infiltration feasibility using SI results.

Due to the location within a Source Protection Zone (SPZ) evidence of Environment Agency consent for infiltration discharge must be presented. An email of consent will suffice.

If infiltration is not feasible on site, details of an alternative drainage strategy in line with the Drainage Hierarchy must be provided.

Please be advised there is an indicative culverted ordinary watercourse under the road to the north of the site. We note that directly north of the site, the culvert route is indicative, which means it has not been confirmed by MCC and may deviate from the recorded route.

The LLFA offers a data screening service to provide any available data on culverted ordinary watercourse assets. The fee for this is £150 + Standard Rate VAT. Please enquire if interested.

In line with the Drainage Hierarchy, discharge to a watercourse would be the next preferable option if infiltration discharge cannot be achieved / permitted. If infiltration is not feasible, the culvert should be investigated with survey to determine its location, condition, capacity, and whether connection to the culvert is feasible. Results of investigation must be presented to the LLFA.

Where surface water is connected to the ordinary watercourse, agreement in principle from Manchester City Council as Lead Local Flood Authority is required. Please note that all new connections to the watercourses shall comply with reduction of flows to Greenfield runoff rates. An email of acceptance of proposed flows and/or new connection will suffice.

Where surface water is connected to ordinary watercourse, any works within or adjacent to the watercourse that would affect it would require consent from Manchester City Council as Lead Local Flood Authority. Consent forms can be obtained on the website at:

http://www.manchester.gov.uk/downloads/download/5567/land_drainage_consent_and_guidance.com

If surface water connection to the public sewer is proposed, agreement in principle from United Utilities is required that there is adequate spare capacity in the existing system taking future development requirements into account. An email of acceptance of proposed flows and/or new connection will suffice.

A finalised drainage layout showing all labelled components, levels, connectivity and discharge points.

Front driveway surfacing >5m² to be permeable where feasible, in line with Government advice.

Condition 12 of application 128939/FO/2020 cannot be discharged at the present time.

Secured by Design

From the information that has been provided, specifically the letter from Greater Manchester Police Secured by Design unit dated the 2nd of June 2021, and attached checklist, condition 13 of application 128939/FO/2020 cannot be discharged at the present time.

To satisfy the condition, Secured by Design certificates for each property or the development as a whole will need to be submitted to the City Council affirming that each property or the development as a whole has achieved the required standard of security for the award of a Secured by Design certificate.

Date: 6 September 2021

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This decision relates only to that required under the Town and Country Planning Act 1990 (as amended) or Planning (Listed Building & Conservation Area) Act 1990 (as amended) does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 or sections 20 and 21 of the Planning (Listed Building & Conservation Area) Act 1990 within six months of the date of the notice of the decision. However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- 28 days from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- 28 days from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/appeal-planning-inspectorate. The Inspectorate will publish details of your appeal on the internet.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Town & Country Planning Act 1990 (as amended)
Planning (Listed Building & Conservation Area) Act 1990 (as amended)

Approval of details reserved by condition

Applicant

Mr James Henry
Air Shack Ltd
396 Wilmslow Road
Manchester
M20 3BN

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Application to discharge conditions 8 (Acoustics) and 12 (Drainage) attached to planning permission 128939/FO/2020

Location: Rear Garden Of 25 Ladybarn Road, Fronting Moseley Road , Manchester, M14 6NR

Date of application: 9 May 2023

Application number: CDN/23/0293

Part 2 – Particulars of decision

Manchester City Council gives notice that the detail(s) referred to in Part 1 are **Approved** in accordance with the information set out below.

Con. 12 Drainage

The LLFA have assessed the following informations and plans:

PGC856-C-002_P1 Drainage Details

PGC856-C-001_P2 Drainage GA

PGC856-C-001_P3 Drainage GA

PGC 856 - Moseley Road - Drainage Discharge Condition Report

Moseley Road - Sewage Plan

66-68 Moseley Road - Pre-development-enquiry response

Based on the provided documents the LLFA had no further comments and recommend the discharge of condition 12.

Condition 12 is discharged.

Con. 8 Acoustics

Environmental Health have assessed the following informations and plans:

-P4867 - L02 - Discharge of Condition 8

-CDN_21_0465-NOISE_ASSESSMENT-1703563

Based on the provided documents Environmental Health had no further comments and recommend the discharge of condition 8.

Condition 8 is discharged.

Date: 31 January 2024

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

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2 If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 or sections 20 and 21 of the Planning (Listed Building & Conservation Area) Act 1990 within six months of the date of the notice of the decision.

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