

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141172/NMC/2024

Date registered valid: 7 October 2024

Proposal: Non-Material Amendment to planning permission 134775/FO/2022 to vary Condition 34 (Boundary Treatment) to enable revised brick pier design

Address: Land off Louisa Street, Openshaw

Ward(s):

Applicant: Ms Kirsty Wright, Westchurch Homes Limited

Agent (if any):

Case officer: Sue Wills
Tel: 0161 234 4524
Email: sue.wills@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 14 October 2024

Application details

Type of application: Non-Material Change Application

Development type: Notifications

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

The site is located in Clayton and Openshaw ward and covers 0.9 ha. It comprised industrial land (a former iron foundry) The site is rectangular in shape. The site is bounded by a footpath cycleway to the west and fronts onto Louisa Street. The site was occupied by a part single, part 1.5 storey industrial building at the back of pavement to the south of the existing gated access to the site and a two-storey building to the north of the access. There was also another single storey commercial building within the site along the southern boundary and a double height property to the northern boundary, which was in a poor state of repair. The remainder of the site had been cleared in the past and comprised areas of hardstanding with some trees and self-seeded vegetation. There was an electricity substation in the north eastern corner of the site, and a telegraph pole within the southeastern area of the site.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The site is bounded by terraced housing to the east of Louisa Street and to the north of the site on Louisa Street. There is also a warehouse to the north of the site on Ferris Street. To the west site beyond the footpath /cycleway is a block of 4 storey flats and contemporary two storey housing. There is an area of public open space to the south of the site which is bisected by footpaths giving access to the footpath/cycleway. This area is predominantly comprised of grass with shrubs and trees along the boundary with the site and the footpath/cycleway, and the frontage to Louisa Street. The wider area is mixed in nature, with predominantly residential properties in existing estates, but with some commercial, industrial, retail and educational uses within it.

Previously approved scheme

Consent was granted on 13th June 2023 for the erection of 2 x 3 storey apartment blocks (comprising a total of 42 apartments) and erection of 29 dwellinghouses (Class C3) (with access

from Louisa Street), and associated works, following the demolition of all existing buildings/structures. The development comprised one, and two storey dwellinghouses (with accommodation within the roof space), and three storey apartment blocks. The mix of accommodation was in form of 28, one bedroom and 14 two-bedroom apartments, with three house types comprising 2, two bedroom, 11 three bedroom and 16 four-bedroom dwellinghouses. The bungalows were to be semi-detached, and the houses were in the form of terraces. The residential development comprised social rent and rent to buy housing in the form of both apartments and houses, and with both tenures proposed for the 1, 2,3 and 4 bedroomed accommodation. The proposed density for the development was 79 dwellings per hectare. The scheme predominantly included the provision of houses across the site, with apartments buildings being located to the west of the application site.

The site layout plan for the site included primary circulation through a cul de sac arrangement. Vehicular access to the site was to be taken directly from Louisa Street. Car parking was provided at one space per residential dwelling for the dwellinghouses (100% provision) and 33 spaces (including 7 spaces for disabled users) for the proposed apartments (78% provision). Each dwellinghouse had storage for a cycle in the rear gardens and cycle storage with the capacity for 42 cycles was proposed for the apartments. Each dwellinghouse had an electric vehicle charging point, and the parking spaces to serve the proposed apartments had access to an EVC in the form of a communal 4-point charging point. Amenity space was provided for dwelling houses through small front gardens and private rear garden areas, and with areas of shared amenity space within the curtilage of each of the proposed apartment blocks, and to the east of the proposed apartment blocks.

Subsequently, a discharge of condition application ref: CDN/23/0586 which included the discharge of condition no.16B (noise attenuation) updated the originally approved boundary treatment plan to the details shown on Acoustic Details: Boundary Treatment Plan: 1020-BT01. Rev J, and Acoustic Fence Details: 1020-AF01- Hepworth Acoustics. This included the provision of acoustic fencing along the northern boundary with an increase in the height of the fencing to 3m along a section of the boundary with the depot to the north, and 2.2m fencing to the boundary with Ferris Street and the rear of the plots in proximity to no.71 Ferris Street.

Description of development

Consent is sought for a non-material amendment to planning approval 139720/JO/2024 to allow the widening of the approved brick piers to boundary wall treatment fronting Louisa Street to 330mm to improve stability. In addition, it is proposed to incorporate buff colour concrete pier caps, 405mm in height, to those brick piers. This would have the effect of increasing the overall height of the proposed piers from 1390mm to 1460mm (increase of 70mm).

There are no other changes proposed to the scheme or the design / layout of the houses.

Consultations & Notification Responses

Not applicable

Issues

Policy Context

These include Core Strategy policies SP1 (Spatial Principles); Policy DM1 (Development Management); Policy H1 (Overall Housing Provision); Policy H4 (East Manchester); Policy H8 (Affordable Housing); Policy T1 (Sustainable Transport); Policy T2 (Accessible areas of opportunity and needs); Policy EC2 (Existing Employment Space); Policy EC5 (East Manchester); Policy EN1 (Design principles and strategic character areas); Policy EN3 (Heritage); Policy EN4 (Reducing CO2 emissions by enabling low and zero carbon development); Policy EN6 (Target framework for CO 2 reductions from low or zero carbon

energy supplies); Policy EN 8 (Adaptation to Climate Change); Policy EN9 (Green Infrastructure); Policy EN14 (Flood Risk); Policy EN15 (Biodiversity and Geological Conservation); Policy EN16 (Air Quality); Policy EN18 (Contaminated Land); and Policy EN19 (Waste); Saved UDP policies DC7 (disabled access), DC20 (Archaeology) and DC26 (noise), the National Planning Policy Framework, NPPF, the Guide to Development in Manchester Supplementary Planning Document, Manchester Residential Quality Guidance (2016), Providing for Housing Choice – Supplementary Planning Document and Planning Guidance (2008), Residential Growth Strategy (2016), Manchester Housing Strategy (2022), Strategic Housing Land Availability Assessment (2022), Manchester's Great Outdoors – a Green and Blue Infrastructure Strategy for Manchester (2015), East Manchester Strategic Regeneration Framework 2008-2018 and Manchester Climate Change Framework: 2020-2025 and Manchester Zero Carbon Framework (2020).

Non material change

The proposed amendments have been assessed, and it can be confirmed that the changes are considered to be of a non-material nature and are considered to be acceptable to the City Council as the Local Planning Authority.

The revisions to the approved scheme relate to boundary treatment fronting onto Louisa Street, and the widening of the approved brick piers to boundary wall fronting Louisa Street to 330mm to improve stability. In addition, it is proposed to incorporate buff colour concrete pier caps, 405mm in height, this would have the effect of increasing the overall height of the proposed piers from 1390mm to 1460mm.

There are no other changes proposed to the scheme or the design / layout of the houses.

It is considered that the proposed revision would not have a detrimental impact in terms of the visual appearance of the proposed residential development, or the visual and residential amenity of the residential properties in proximity to the site.

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

Article 35 Declaration

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

Paragraph One

The revisions to the approved scheme relate changes to the boundary treatment fronting onto Louisa Street, and the widening of the approved brick piers to boundary wall fronting Louisa Street to 330mm to improve stability. In addition, it is proposed to incorporate buff colour concrete pier caps, 405mm in height, this would have the effect of increasing the overall height of the proposed piers from 1390mm to 1460mm.

It is considered that the proposed revisions would not have a detrimental impact in terms of the visual appearance of the residential development, or the visual and residential amenity of the residential properties in proximity to the site, and that the associated wording of condition nos.2, and 34 are to be amended to reference the revised plan.

Paragraph Two

Following an assessment of the details submitted, I 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 not result in any significant material alterations to the planning approval.

Condition no.2 Specified plans

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

Location plan ref: EX(001) ; Received 24th August 2022.

Demolition Plan ref:DEM01;;

Proposed house Types 01 plan ref: (PL) 003;

Proposed house Types 02 plan ref: (PL) 004;

Proposed house Types 03 plan ref: (PL) 005 rev.B ;

Proposed street scenes 01 plan ref: : (PL) 006 rev.A ;

Proposed street scenes 02 plan ref: : (PL) 007 rev.A ;

Proposed street scenes 03 plan ref: : (PL) 008 rev.A ;

Proposed street scenes 04 plan ref: : (PL) 009 rev.B ;

Archaeological Desk Based Assessment for Louisa Street works ref:LP4440C-DBA-v.1.3 dated August 2022;

Broadband Connectivity Assessment;

Air Quality Assessment ref: 102868V2 dated 28th July 2022;

Crime Impact Statement Version B 19.08.2022 ref: 2022/0358/CIS/01;

Noise Impact Assessment Report No: P22-313-R01v2 dated August 2022;

Arboricultural Impact Assessment Version 1 dated 26 August 2022;

Arboricultural Constraints Appraisal Version 1 dated 1 August 2022;

Flood Risk Assessment and Drainage Strategy ref: 14921-FRA & Drainage Strategy Revision 2 dated September 2022;

Geo-Environmental Site Investigation Report Ref: A4755/22/SI dated June 2022;

Phase 1 Geo-Environmental desk Study ref: A4755/22/FDS dated June 2022;

Heritage Statement dated October 2022;
Waste Management proforma;
Transport Statement ref: 220819/SK222314/TS01(-00) dated August 2022;
Received 13th October 2022.

Letter dated from Geo- Environmental & Geotechnical ref: A4755/22 dated 21st October 2022 in regard to risks from Coal Mining;
Energy Statement rev. B dated 31.08.2022; Topographical Survey (Existing and proposed levels) ref: LEV01;
received 26th October 2022;

Outdoor lighting report ref: SHD758-SHD-HLG-LOUI-CA-EO dated 31 October 2022 ;
Section 38 street lighting design plan ref: SHD758-SHD-HLG-LOUI-DR-EO-Lighting Layout-R0 Sheet 1 of 1;
Lighting Equipment schedule ref: SHD758-SHD-HLG-LOUI-SH-EO-Lighting Schedule-R0 received 31st October 2022
Planning Statement dated November 2022 Statement received 22nd November 2022;

Cholondeley EBG (BUN-EBH) plan ref: 674-CHO-110 received 25th January 2023.
CEMP dated August 2022 Version B- 20.01.2023 received 25th January 2023;
Preliminary Ecological Appraisal and Daytime Building Inspection ref: P.17.17.22 rev.A January 2023 received 25th January 2023;

Local Labour Agreement dated 20th January 2023;

Protected species survey ref: P.1717.22 dated 1st February 2023 received 1st February 2023;
Daytime Building Inspection Report for Louisa Street P.1717.22 dated 20th March 2023 received 29th March 2023;
Bat and bird box plan ref: P.1717.22.04 received 29th March 2023.

Agent email dated 14th April 2023;
Design and Access Statement rev.C dated April 2023;
Culvert investigation report LSR-01 dated 13.04.2023;
Received 14th April 2023

Agent email 15.05.2023
Swept path Analysis MCC Specification Refuse Collection vehicle ref: SK22231-005;
Louisa Street Proposed Highway Works Stage Road Safety Audit ref: 2023/WH/1867 ;
received 15th May 2023

Landscaping proposal plan ref: 6989.01 rev. k (notwithstanding colouration of bitmac to dwellinghouse driveways);
Proposed site plan ref: (PL) 001 rev.P);
Construction Build Route plan ref: CBR01 rev.C ;
EVCP plan ref: EVCP01 rev.E;
Materials Plan MAT 01 rev.E
received 23rd May 2023

Updated Affordable Housing Statement (42 social rent and 29 rent to buy)
Housing Tenure plan ref: TEN01 rev.H ;
received 31st May 2023

Boundary treatments plan ref: BT01 rev. G received 2nd June 2023

Bat Activity Surveys and Mitigation Strategy ref: 2023-107 Version 2 dated June 2023 received 5th June 2023

AS AMENDED BY :

Boundary treatments plan ref: BT01 rev. L received 7th October 2024

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

Condition no. 34 -Boundary treatment

34) a) The boundary treatment to the front of properties shall be implemented in accordance with the details on plan ref: Boundary treatments plan ref: BT01 L .

b) Finalised elevational designs of the other boundary treatments annotated on Boundary treatments plan ref: BT01 L shall be submitted to and approved in writing by the City Council as local planning authority, prior to implementation.

c) A programme for the sequenced delivery of boundary treatments.

The approved scheme shall be implemented in full before the dwellings are first occupied and retained as such thereafter.

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, EN1 and DM1 of the Manchester Core Strategy (2012), and the guidance provided within the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

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

Article 4 Direction - North Manchester PD Restriction - Class B1(c) To C3

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Historic Landfill Site 250m Buffer -

Historic Landfill Site 250m Buffer -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: NORTH AREA