Planning

Growth & Development

Delegated officer report for planning application

Application no.	140898/JO/2024
Date registered valid:	2 September 2024
Proposal:	Variation of condition no. 2 (approved drawings) attached to planning permission 127506/FO/2020 to allow for the installation of an additional window in the front elevation.
Address:	559 - 561 Wilmslow Road, Manchester, M20 4GJ
Ward(s):	Withington Ward
Applicant:	Mr. T. Greenwood
Agent (if any):	Mrs Clare Hatchman, Neil Pike Architects
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	17 October 2024

Application details

Type of application: Variation or Removal of Condition

Development type: Minor Dwellings

Date of site visit: 17 September 2024

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
Printed: 10 September 2024 Expired: 1 October 2024

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/area

Elm Grange (559-561 Wilmslow Road) consists of two Edwardian villas that are connected by a single storey entrance porch. The premises are in use as 18 self-contained flats. The remainder of the site is given over to car parking and refuse storage, with the perimeter of the site home to a number of trees and lawned areas.

There are residential properties to the north, east and south of the site, while to the west, on the opposite side of Wilmslow Road, lies The Christie Hospital complex and the replacement 10 storey Paterson Building.

Listed building: No
Conservation area: No
Tree Preservation Order: No

Description of development

The applicant obtained planning permission in May 2023 (127506/FO/2020) for the following:

> *Erection of 3 storey plus basement extension to form 6 no. apartments following demolition of existing link building*

The applicant is now applying to vary condition no. 2 (approved drawings) attached to that planning consent to allow for the installation of an additional window in the front elevation.

It is proposed that condition no. 2 now reads as follows (revised text highlighted):

> *2) The development hereby approved shall be carried out in accordance with the following drawings and documents:*
>
> *a) Stamped as received on 28 Aug 2020 - EX K937/01 REV A EXISTING SITE PLAN AND LOCATION PLAN*
> *b) Stamped as received on 20 Apr 2023 - PL K937/00 REV E PROPOSED SITE PLAN*
> *c) Stamped as received on 28 Jun 2022 - PL K937/01 REV A LOWER GROUND FLOOR PLAN*
> *d) Stamped as received on 28 Jun 2022 - PL K937/02 REV A GROUND FLOOR PLAN*
> *e) Stamped as received on 24 Sept 2024 - PL K937/03 REV C FIRST FLOOR PLAN*
> *f) Stamped as received on 08 Dec 2022 - PL K937/04 REV D SECOND FLOOR PLAN*
> *g) Stamped as received on 02 Sept 2024 - S73 K937/01 FRONT ELEVATION*
> *h) Stamped as received on 08 Dec 2022 - PL K937/06 REV C REAR ELEVATION*
> *i) Stamped as received on 28 Jun 2022 - PL K937/07 REV B SECTIONAL SIDE ELEVATION(NORTH)*
> *j) Stamped as received on 28 Jun 2022 - PL K937/08 REV B SECTIONAL SIDE ELEVATION (SOUTH)*
> *k) Stamped as received on 08 Dec 2022 - PL K937/09 REV B SECTION*
>
> *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.*

Consultations & Notification Responses

Local Residents – No comments received.

Policies

The National Planning Policy Framework (December 2023) – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The Places for Everyone Plan – This plan was adopted on 21 March 2024, as such the Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance. The relevant policy is set out below:

Policy JP-Strat9 (Southern Areas) – This policy states that the economic competitiveness, distinctive local neighbourhood character and environmental attractiveness of the southern areas will be protected and enhanced. There will be a strong emphasis on making as much use as possible of suitable previously developed (brownfield) land and promoting the roles of the areas' town centres and its other key assets.

Core Strategy Development Plan Document – The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in

accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below

Policy SP1, *Spatial Principles,* - Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of specific issues, of which the following are of most relevance:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Community safety and crime prevention.
- Design for health.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Flood risk and drainage.

Issues

Design – The originally approved scheme and that now proposed is shown below. Given the minor elevational changes proposed it is considered that the design of the proposal is still acceptable.



Residential Amenity – The proposed amendments would not have a detrimental impact upon the existing levels of residential amenity enjoyed by the occupants of the adjoining dwellings.

Visual Amenity – The addition of the extra window would not have a detrimental impact upon the existing levels of visual amenity enjoyed within the vicinity of the site.

Pedestrian and Highway Safety – The proposal would not have a detrimental impact upon the levels of pedestrian and highway safety enjoyed along this section of Wilmslow Road.

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 polices 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

Officers have worked with the applicant in a positive and proactive manner to resolve any problems arising in relation to dealing with the planning application.

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

1) The development must be begun not later than the expiration of three years beginning with the date of the original planning permission, 127506/FO/2020, i.e. 12 May 2023.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

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

a) Stamped as received on 28 Aug 2020 - EX K937/01 REV A EXISTING SITE PLAN AND LOCATION PLAN
b) Stamped as received on 20 Apr 2023 - PL K937/00 REV E PROPOSED SITE PLAN
c) Stamped as received on 28 Jun 2022 - PL K937/01 REV A LOWER GROUND FLOOR PLAN
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j) Stamped as received on 28 Jun 2022 - PL K937/08 REV B SECTIONAL SIDE ELEVATION (SOUTH)
k) Stamped as received on 08 Dec 2022 - PL K937/09 REV B SECTION

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.

3) No above ground works shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority.

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, as specified in policies SP1 and DM1 of the Manchester Core Strategy.

4) Before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Manchester Core Strategy.

5) Prior to the occupation of the development hereby approved, a Contaminated Land Verification Report shall be submitted to the City Council as local planning authority.

Reason - To confirm that appropriate remedial action has been taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Manchester Core Strategy.

6) The car parking hereby approved shall be laid out, demarcated and made available prior to the occupation of the residential accommodation hereby approved.

Reason - In the interests of pedestrian and highways safety and to ensure the satisfactory development of the site, pursuant to Policy DM1 in the Manchester Core Strategy.

7) Above-ground construction works shall not commence until details of the measures to be incorporated into the development to allow for the provision of electric vehicle charging points have been submitted to and approved by the City Council as Local Planning Authority. The electric charging points shall be provided before first occupation and retained as such at all times thereafter.

Reason - To promote sustainable development and in the interests of residential amenity, pursuant to Policies DM1 and EN16 in the Manchester Core Strategy.

8) The residential use hereby approved shall be used only as private dwellings (which description shall not include serviced properties or similar uses where sleeping accommodation (with or without other services) is provided by way of trade for money or money's worth and occupied by the same person for less than ninety consecutive nights) and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for private residential purposes and to ensure the achievement of the public benefit identified pursuant to policies SP1, DM1, EN3 , H1, H6 and H11 of the Manchester Core Strategy and the guidance contained within National Planning Policy Framework including section 16.

9) The Waste Management Strategy (stamped as received on 21 July 2020) shall be implemented as part of the development and shall remain in situ whilst the residential accommodation is occupied.

Reason - In the interests of amenity and public health, pursuant to Policy DM1 in the Manchester Core Strategy.

10) Above grounds works shall not commence until details of biodiversity enhancements (bird boxes and bat bricks), including a timetable for their installation and maintenance regime, have been submitted to and been approved by the City Council as local planning authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with policy EN15 of the Manchester Core Strategy.

11) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall

have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)
(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Manchester Core Strategy.

12) Prior to the commencement of above grounds works, a hard and soft landscaping treatment scheme shall be submitted to and be approved by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the residential accommodation hereby approved is first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Manchester Core Strategy.

13) Prior to the commencement of above ground works an Environmental Standards Statement, which addresses sustainability ratings and the provision of renewable energy within the development, shall be submitted for approval in writing by the City Council, as Local Planning Authority. The development shall be carried out in accordance with those details.

Within 3 months of the completion of the construction of the authorised development a verification statement shall be submitted to and approved in writing, by the City Council as local planning authority, confirming the incorporation of the specified measures, including dated photographic documentary evidence of the implementation and completion of required works.

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4, EN6 and DM1 of the Manchester Core Strategy and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

14) Prior to the commencement of development a Construction Management Plan shall be submitted to and approved by the Council. The Construction Management Plan shall contain the following:

- Details of Wheel Washing;
- Dust suppression measures;
- Compound locations where relevant;
- Location, removal and recycling of waste;
- Routing strategy and swept path analysis;
- Parking of construction vehicles and staff;
- Hours of working

The development shall be carried out in accordance with approved details.

Reason - To safeguard the amenities of the occupiers of nearby residential and commercial properties during the construction/demolition phase, pursuant to Policy DM1 in the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Rear First Floor Flat, 3 Rathen Road, Manchester, M20 4QJ
Top Flat, 3 Rathen Road, Manchester, M20 4QJ
Flat 8, 559 - 561 Wilmslow Road, Manchester, M20 4GJ
Flat 6, 559 - 561 Wilmslow Road, Manchester, M20 4GJ
Flat 2, 559 - 561 Wilmslow Road, Manchester, M20 4GJ
Flat 16, 559 - 561 Wilmslow Road, Manchester, M20 4GJ
Flat 14, 559 - 561 Wilmslow Road, Manchester, M20 4GJ
Christie Hospital, Wilmslow Road, Manchester, M20 9BX
Paterson Laboratories, Wilmslow Road, Manchester, M20 2RY
Front First Floor Flat, 3 Rathen Road, Manchester, M20 4QJ
5 Rathen Road, Manchester, M20 4QJ
Flat 6, 563 Wilmslow Road, Manchester, M20 4GJ
Flat 10, Ferncrest, 557 Wilmslow Road, Manchester, M20 4GJ
Flat 1, Ferncrest, 557 Wilmslow Road, Manchester, M20 4GJ
Flat 4, Ferncrest, 557 Wilmslow Road, Manchester, M20 4GJ
Flat 7, Ferncrest, 557 Wilmslow Road, Manchester, M20 4GJ
Flat 8, 563 Wilmslow Road, Manchester, M20 4GJ
Flat 1, 563 Wilmslow Road, Manchester, M20 4GJ
Flat 3, 559 - 561 Wilmslow Road, Manchester, M20 4GJ
Flat 9, 559 - 561 Wilmslow Road, Manchester, M20 4GJ
Flat 7, 559 - 561 Wilmslow Road, Manchester, M20 4GJ
Flat 5, 559 - 561 Wilmslow Road, Manchester, M20 4GJ
Flat 4, 559 - 561 Wilmslow Road, Manchester, M20 4GJ
Flat 18, 559 - 561 Wilmslow Road, Manchester, M20 4GJ
Flat 17, 559 - 561 Wilmslow Road, Manchester, M20 4GJ
Flat 15, 559 - 561 Wilmslow Road, Manchester, M20 4GJ
Flat 13, 559 - 561 Wilmslow Road, Manchester, M20 4GJ
Flat 12, 559 - 561 Wilmslow Road, Manchester, M20 4GJ
Flat 11, 559 - 561 Wilmslow Road, Manchester, M20 4GJ
Flat 10, 559 - 561 Wilmslow Road, Manchester, M20 4GJ
Flat 1, 559 - 561 Wilmslow Road, Manchester, M20 4GJ
Flat 7, 563 Wilmslow Road, Manchester, M20 4GJ
Flat 9, Ferncrest, 557 Wilmslow Road, Manchester, M20 4GJ
Flat 2, Ferncrest, 557 Wilmslow Road, Manchester, M20 4GJ
Flat 3, Ferncrest, 557 Wilmslow Road, Manchester, M20 4GJ
Flat 5, Ferncrest, 557 Wilmslow Road, Manchester, M20 4GJ
Flat 6, Ferncrest, 557 Wilmslow Road, Manchester, M20 4GJ
Flat 8, Ferncrest, 557 Wilmslow Road, Manchester, M20 4GJ

Flat 3, 563 Wilmslow Road, Manchester, M20 4GJ
Flat 5, 563 Wilmslow Road, Manchester, M20 4GJ
Flat 2, 563 Wilmslow Road, Manchester, M20 4GJ
Flat 4, 563 Wilmslow Road, Manchester, M20 4GJ
Ground Floor Flat, 3 Rathen Road, Manchester, M20 4QJ
2 Kinnaird Road, Manchester, M20 4QL
1 Rathen Road, Manchester, M20 4QJ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: SOUTH AREA