

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139637/NMC/2024

Date registered valid: 4 April 2024

Proposal: Non-material amendment to planning permission reference 116712/FO/2017 to allow amendment to internal room layout

Address: 2 - 4 Athol Road, Manchester, M16 8QN

Ward(s): Whalley Range Ward

Applicant: Mr Shazad Akram Partner Property & Construction Limited

Agent (if any): Mr Shazad Akram

Case officer: Ellie Knowles
Tel: 0161 219 6633
Email: ellie.knowles@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 2 May 2024

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: Not applicable

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 application property relates to the basement areas of two adjoining, part 2 and part 3 storey period terraced dwellings which have been converted under a planning permission granted in 1984 to form 8 self-contained apartments. The conversion has linked the two properties together and all access to the apartments is taken through a single front door leading to a communal hall and stairs. The amended proposal would increase the total number of apartments from 8 to 10.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The surrounding area is predominantly characterised by two and three storey period semi-detached and terraced properties with pitched slate/tiled roofs, gables and dormers. A number of these properties have been previously subdivided into separate flats.

Description of development

The applicant gained permission through appeal (ref: APP/B4215/W/18/3195414), for the conversion of two existing basements to 1 No. one bedroom apartment and 1 No. two bedroom apartment, including installation of lightwells to the front and external terraces to the rear, under planning application reference 116712/FO/2017, previously refused by the Local Planning

Authority. They now wish to make minor alterations to the internal room layout of the proposed units which they consider to be non-material.

Consultations & Notification Responses

None required.

Relevant Planning History

At the application site –

20990 – Conversion of two houses into 8 self-contained flats. Approved 22.02.1984.

Relevant Planning Policies

Places for Everyone (2022-2039) – 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.

Manchester Core Strategy Development Plan Document (2012-2027) - The Core Strategy was adopted on the 11 July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan. Parts of the policies have been superseded by the Places for Everyone Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant **Core Strategy** (July 2012) policies for this application are as follows:

SP1 – Spatial Principles

DM1 – Development Management

EN19 – Waste management

H11 – HMOs and Flat Conversions

The relevant saved **UDP** (1995) policies for this application are:

DC 5.1 – 5.4 – Flat Conversions

The relevant **National Planning Policy Framework** (Dec 2023) chapters for this application are:

Chapter 12 – Achieving well-designed places

Issues

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 the planning application 116712/FO/2017 which was allowed at appeal (ref: APP/B4215/W/18/3195414), which granted permission for the conversion of two existing basements to 1 No. one bedroom apartment and 1 No. two bedroom apartment, including installation of lightwells to the front and external terraces to the rear.

The applicant now seeks to make the following amendments to the original internal room configuration of both units:

- Greater retention of internal structural walls to create less open plan arrangements, combined kitchen/dining room and separate living room, to comply with Building Regulations and party wall matters
- Reduction to one house bathroom per unit & creation of large cupboard off principal bedrooms
- Relocation of external access staircase within basement amenity space
- Fire door installation to comply with Building Regulations

Originally, the proposed basement units were both designed with open plan kitchen/dining/living room layouts, affording one en-suite shower-room off the principal bedrooms and one house bathroom.

These alterations are not considered to materially change the proposal or cause additional harm to neighbouring residents or the street scene. Hence, it is considered that the proposed amendments are of a minor nature and would have no more impact upon visual and residential amenity than the original scheme approved during the appeal process.

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.

Conclusion:

The proposed amendment is considered acceptable minor in nature and would have no more impact upon either visual or residential amenity than the approved scheme. For the above reasons, it is considered that any harm as the result of the proposal to be less than substantial.

Recommendation: Approve

Condition(s) to be attached to decision for approval

1. Paragraph 1

The details of the proposed amendment relates to changes to the internal room layout of the two basement apartments.

2. Paragraph 2

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.

3. Amended specified plans

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

- 'PROPOSED BASEMENT FLOOR PLAN', numbered 'A1279(02)AP001 REV A', stamped as received by the City Council as Local Planning Authority on the 26/03/2024.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies DM1, SP1 and EN1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

None

Appendix 2 – Planning constraints

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

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Flood Zones Type 2 (low to medium risk) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: SOUTH AREA