

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140778/NMC/2024

Date registered valid: 14 August 2024

Proposal: Non-material amendment to planning approval 139063/FO/2024 to allow for the reinstatement of rear access door to ground floor flat and associated metal staircase.

Address: 19 Old Lansdowne Road, Manchester, M20 2PB

Ward(s): Didsbury West Ward

Applicant: Mr C Feldman Boychick Ltd

Agent (if any): Mr Paul Dean Studio Ark (Architect)

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

Recommendation: Approve

Date of recommendation: 30 August 2024

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: 1 March 2024

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 property that is the subject of this application is a brick built semi-detached Victorian villa, which has been previously subdivided and is in current use as flats. There is parking to the frontage and access down the side of the property to a good-sized paved rear garden, which is bound by original brick walling.



Listed building: Not applicable

Conservation area: Albert Park Conservation Area 1988

Tree Preservation Order: Not applicable

Description of area

The area is located within Albert Park Conservation area. The surrounding area is predominantly residential in character, however, also includes a district shopping centre on Burton Road, a smaller group of shops on Barlow Moor Road, schools, public houses and a number of churches.

Description of development

The proposal is for a non-material change to application ref: 139063/FO/2024. The changes relate to condition number 2 Specified Plans to enable the reinstatement of the rear access door to the ground floor flat (no.2) and installation of a new metal staircase to serve that door. The remainder of the proposal is to remain as previously approved and is for the internal and external alterations to include the conversion of the basement to living accommodation in the form of a 2-bedroom self-contained flat (C3 use).

The external amendments would include excavation works to create a lower ground floor (LGF) patio area to the rear with stepped access into the shared garden and installation of a large lightwell to the front and extension of the bay window. Internal access to the LGF patio will be through a set of bi-fold doors to be inserted in the rear elevation off the proposed lounge/dining/kitchen area. There is also 1 lightwell and 2 windows proposed in the side elevation, alongside a single rear window to bring additional natural lighting in at the side and rear of the property respectively.

At present Condition 2 reads as follows:

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

- 'Elevations (Existing and Proposed), numbered '23-CF-19OLRD-SD-03 - B', stamped as received by the City Council as Local Planning Authority on the 16th April.
- 'Basement Plan (Existing and Proposed), numbered '23-CF-19OLRD-SD-002 - D', stamped as received by the City Council as Local Planning Authority on the 16th April 2024.
- 'Site Plan (Proposed), numbered '23-CF-19OLRD-SD-004 - B', stamped as received by the City Council as Local Planning Authority on the 16th April 2024.
- 'Ground Floor Plan (Existing and Proposed), numbered '23-CF-19OLRD-SD-005', stamped as received by the City Council as Local Planning Authority on the 16th April 2024.

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

The revised Condition shall include the updated reference number and the Condition shall now read as follows:

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

- 'Elevations (Existing and Proposed), numbered '23-CF-19OLRD-SD-03 - C', stamped as received by the City Council as Local Planning Authority on the 14 August 2024.
- 'Basement Plan (Existing and Proposed), numbered '23-CF-19OLRD-SD-002 - E', stamped as received by the City Council as Local Planning Authority on the 14 August 2024.

- 'Site Plan (Proposed), numbered '23-CF-19OLRD-SD-004 - C', stamped as received by the City Council as Local Planning Authority on the 14 August 2024.
- 'Ground Floor Plan (Existing and Proposed), numbered '23-CF-19OLRD-SD-005 – A', stamped as received by the City Council as Local Planning Authority on the 30 August 2024.

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

Consultations & Notification Responses

No consultations are required for this type of application.

Relevant Planning History

At the application site –

139063/FO/2024 – Conversion of basement to 2 no. bed flat including excavation works. Approved 16.04.2024.

F17449 – Change of use of former dwellinghouse let in 3 units of multiple occupancy to 3 one-bedroom and 3 bedsit self-contained flats. Approved 04.06.1982.

018334 – Two-storey extension to form new kitchens for two flats. Approved 21.10.1982.

At no.21 Old Lansdowne Road –

130209/FO/2021 – Conversion of basement to form one 3 bed self-contained flat with associated lightwells and elevational alterations. Approved 22.06.2021.

128373/FO/2020 – Conversion of basement to form one 2 bed self-contained flat with associated lightwells and elevational alterations. Approved 22.12.2020.

Issues

Inclusion of rear external door to existing ground floor flat & creation of access to this door

The proposed changes to the plan reference within condition number 2 is not considered material. The changes would not raise any new significant issues and would still allow the overall development to accord with the conclusions of the technical assessments approved as part of the primary permission, whilst complying with all relevant, overarching policy and guidance. On this, basis, the proposed amendments are considered satisfactory, and the effect of the change is considered non-material.

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

The proposed amendment relates to changes to the wording within condition 2 to allow for the inclusion of revised plans:

- 23-CF-19OLRD-SD-03 – B
- 23-CF-19OLRD-SD-002 – D
- 23-CF-19OLRD-SD-004 – B
- 23-CF-19OLRD-SD-005 - A

Thereby permitting the change to reinstate the rear access door to the ground floor flat (no.2) and install a new metal staircase to serve that door.

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 change will not result in any significant or material alterations to the primary planning permission.

Condition(s) to be attached to decision for approval

2. Specified plans

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

- 'Elevations (Existing and Proposed), numbered '23-CF-19OLRD-SD-03 - C', stamped as received by the City Council as Local Planning Authority on the 14 August 2024.
- 'Basement Plan (Existing and Proposed), numbered '23-CF-19OLRD-SD-002 - E', stamped as received by the City Council as Local Planning Authority on the 14 August 2024.
- 'Site Plan (Proposed), numbered '23-CF-19OLRD-SD-004 - C', stamped as received by the City Council as Local Planning Authority on the 14 August 2024.
- 'Ground Floor Plan (Existing and Proposed), numbered '23-CF-19OLRD-SD-005 – A', stamped as received by the City Council as Local Planning Authority on the 30 August 2024.

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

Appendix 1 — Planning constraints

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

Conservation Area - Albert Park Conservation Area 1988

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH AREA