Planning

Growth & Development

Delegated officer report for planning application

Application no.	139205/FO/2024
Date registered valid:	28 February 2024
Proposal:	Creation of opening to accommodate external door and accompanying openable guarding on the second floor rear elevation
Address:	Danesmoor Court, 95 - 97 Palatine Road, Manchester, M20 3JQ
Ward(s):	Didsbury West Ward
Applicant:	Seddon Construction Ltd
Agent (if any):	HNA Architects Ltd
Case officer:	Robert Griffin Tel: 0161 234 4527 Email: robert.griffin@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	13 May 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 13 May 2024

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
Printed: 16 April 2024 Expired: 8 May 2024

Site notice
Posted: 17 April 2024 Expired: 9 May 2024

Press advert
Published: 23 April 2024 Expired: 7 May 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Ballbrook Conservation Area 1992

Tree Preservation Order: Not applicable

Description of area

The application property is a part 2 part 3 storey red brick roofed building in use as a job centre and offices fronting onto Palatine Road. The building is arranged with a central three storey element with two storey 'wings' to either side which are of a symmetrical design and appearance. A car parking area is located to the front and rear of the building accessed via Danesmoor Road. The site is bounded to the rear by trees and hedges with further trees on the Palatine Road frontage set behind low boundary wall and hedge. The building is in use as job centre and offices.

Immediately to the south of the application property is the two storey timber and brick (grade II) Listed Former District Bank building 99 Palatine Road. To the rear (east) of the site are the rear of early 20th century two storey semi-detached residential properties on Redclyffe Road with further residential properties of a similar style to the north on Danesmoor Road. To the west are a mixture of victorian villas and more contemporary apartment buildings. The site is located within the Ballbrook Conservation Area.

Description of development

The proposals are to install an inward opening door to the third floor rear central element of the building to enable servicing and maintenance of internal equipment. The proposed door would

be of a solid finish and would only be required to be used when maintenance works are required to internal equipment.

Relevant planning history

034473 - Erection of a two-storey office building with associated landscaping and car parking after demolition of existing. Approved 30.11.1989

Consultations & Notification Responses

Nearby residential properties were notified of the proposals and a site notice and advertisement also being placed in the Manchester Evening News. No responses were received.

Policy

The following policy and guidance is considered relevant to the consideration of this application:
-Policies DM1, SP1, and EN3 of the Manchester Core Strategy;
-Saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester;
-The Guide to Development in Manchester (SPD);
-National Planning Policy Framework (NPPF).
- Places for Everyone Joint Development Plan Document policies - JP-S1, JP-S2

Issues

Principle
The proposals relate to an elevational alteration to the rear of the property to insert an access door at third floor. There is a requirement to maintain and service internal equipment and the applicant has identified the installation of a door to enable ongoing servicing and maintenance of the equipment within the building in which to do this. The general principle of the proposals is considered acceptable however further consideration is required of the impacts on residential amenity and visual amenity including impacts on the Ballbrook Conservation Area and the Grade II listed building at 99 Palatine Road.

Residential Amenity
The installation of a door at high level facing towards the rear of existing residential properties could give rise to impacts on residential amenity by way of overlooking and loss of privacy. In this instance the proposed door would be of a solid finish with no glazing and would only be used as part of the maintenance and servicing of internal equipment. Given the likely infrequent nature of the use of the door for maintenance and servicing purposes it is not considered that its use would give rise to significant impacts on residential amenity by virtue of overlooking or loss of privacy. It is considered necessary to impose conditions to ensure that the installed door has no glazing elements as indicated on the submitted drawings and that it is only opened during maintenance and servicing operations.

It is indicated that the door would serve an internal plant room to enable the servicing and maintenance - and where necessary the replacement of equipment. The rear elevation of the application property is approximately 23m from the rear walls of the nearest residential properties and 11m from the sites rear boundary. It is considered that the replacement of masonry wall with a solid security door together with the distance from the site boundary and nearby residential properties would not give rise to significant egress of noise from internal equipment that would impact on residential amenity to warrant refusal of the proposals.

Visual Amenity

The proposed door would be installed to the rear elevation at third floor level. Given its location centrally to the building views of it would be limited from surrounding streets and it is not considered that there would be unacceptable impacts on the visual amenity of the area as a result of the installation.

As the building is located adjacent the grade II listed building at 99 Palatine Road (Former District Bank) and within the Ballbrook conservation Area further consideration of the proposals is required on these designated heritage assets.

Impact to Heritage
S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:
'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:
'In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

Policy EN3 of the Core Strategy, likewise refers to the need for the consideration to be given to the impact of new developments on heritage assets, whilst saved Policies DC18.1 and DC19.1 of the UDP seeks to preserve and enhance the character of its designated conservation areas and the setting of listed buildings respectively .

Relevant to this application, Section 16 of the NPPF relates to Conserving and Enhancing the Historic Environment.

99 Palatine Road - Former District Bank

The building whilst set back from the Palatine Road frontage forms an important local landmark and is of significance to the conservation area. The application property is located immediately to its north. However, given the limited extent of the works to the rear central part of the building it is not considered that the proposals would result in harm to the listed building in terms of its setting or wider appreciation. The impacts would be neutral.

Impacts on the Ballbrook Conservation Area
Views in and out of conservation areas is a material consideration that need to be weighed into the planning balance with great weight always given to an assets' conservation (NPPF para.205).

The proposals are sited to the rear of the building on a section of the building set back from the main rear elevation. Given the siting and location of the proposed door views of this alteration would be extremely limited from within the conservation area. As such the proposals are considered to have a neutral impact on the Ballbrook conservation area.

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

The application has been determined in a positive and proactive manner. In this instance further clarification was requested in terms of the use of the door which was provided by the applicants agent.

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 this permission.

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:
1475/P-101 Rev A 2ND FLOOR PLAN & SE ELEVATION as received by the City Council as local planning authority on the 28th February 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.

3) The door hereby approved shall be kept closed at all times except for when it is required to be opened for the purpose of maintenance and servicing.

Reason - In the interests of the amenity of occupiers of nearby residential properties pursuant to policy DM1 of the Core Strategy and saved Unitary Development Plan policy DC26.

4) The door to be installed shall be a solid inward opening door with no glazing as set out on the approved drawing.

Reason - In the interest of residential amenity and to reduce the potential for overlooking of nearby residential properties.

Appendix 1 – List of consultees & neighbours notified

First Floor, 99 Palatine Road, Manchester, M20 3JQ
Ground Floor, 99 Palatine Road, Manchester, M20 3JQ
Flat 7, 96 Palatine Road, Manchester, M20 3YB
Flat 4, 96 Palatine Road, Manchester, M20 3YB
Flat 1, 96 Palatine Road, Manchester, M20 3YB
1 Lawnside Mews, Palatine Road, Manchester, M20 3YD
3 Lawnside Mews, Palatine Road, Manchester, M20 3YD
5 Lawnside Mews, Palatine Road, Manchester, M20 3YD
Flat 4, 98 Palatine Road, Manchester, M20 3YB
Flat 1, 98 Palatine Road, Manchester, M20 3YB
Flat 8, 98 Palatine Road, Manchester, M20 3YB
2 Lawnside Mews, Palatine Road, Manchester, M20 3YD
4 Lawnside Mews, Palatine Road, Manchester, M20 3YD
6 Lawnside Mews, Palatine Road, Manchester, M20 3YD
Flat 10, 98 Palatine Road, Manchester, M20 3YB
99 Palatine Road, Manchester, M20 3JQ
Lawnside Mews, Palatine Road, Manchester, M20 3YD
98 Palatine Road, Manchester, M20 3YB
96 Palatine Road, Manchester, M20 3YB
Flat 9, 96 Palatine Road, Manchester, M20 3YB
Flat 8, 96 Palatine Road, Manchester, M20 3YB
Flat 6, 96 Palatine Road, Manchester, M20 3YB
Flat 5, 96 Palatine Road, Manchester, M20 3YB
Flat 3, 96 Palatine Road, Manchester, M20 3YB
Flat 2, 96 Palatine Road, Manchester, M20 3YB
8 Redclyffe Road, Manchester, M20 3JR
4 Redclyffe Road, Manchester, M20 3JR
Flat 9, 98 Palatine Road, Manchester, M20 3YB
Flat 7, 98 Palatine Road, Manchester, M20 3YB
Flat 6, 98 Palatine Road, Manchester, M20 3YB
Flat 5, 98 Palatine Road, Manchester, M20 3YB
Flat 3, 98 Palatine Road, Manchester, M20 3YB
Flat 2, 98 Palatine Road, Manchester, M20 3YB
93 Palatine Road, Manchester, M20 3JQ
6 Redclyffe Road, Manchester, M20 3JR
14 Redclyffe Road, Manchester, M20 3JR
12 Redclyffe Road, Manchester, M20 3JR
10 Redclyffe Road, Manchester, M20 3JR
Basement, 99 Palatine Road, Manchester, M20 3JQ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - South Manchester PD Restriction - Class B1(a) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Conservation Area - Ballbrook Conservation Area 1992
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA