MANCHESTER CITY COUNCIL

# Planning

## Growth & Development

## Delegated officer report for planning application

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| **Application no.** | 139582/NMC/2024 |
| **Date registered valid:** | 20 March 2024 |
| **Proposal:** | Non Material Change to Condition 25 attached to planning permission 131147/FO/2021 to update the Energy Statement. |
| **Address:** | Manchester College Arden Centre, Sale Road, Manchester, M23 0DD |
| **Ward(s):** | Northenden Ward |
| **Applicant:** | Mr Andrew Milnes Miller Homes (North West) |
| **Agent (if any):** | |
| **Case officer:** | Robert Griffin<br>Tel: 0161 234 4527<br>Email: robert.griffin@manchester.gov.uk |
| **Recommendation:** | APPROVE |
| **Date of recommendation:** | **11.04.2024** |

**Application details**

**Type of application:** Non-Material Change Application

**Development type:** Notifications

**Date of site visit:** Non required for non-material amendment application

**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**

**Listed building:** Not applicable

**Conservation area:** Not applicable

**Tree Preservation Order:** Not applicable

**Description of site**
The application site is 7.35 hectares in size located 5.2 miles to the south of Manchester city centre, to the west of Princess Parkway and to the north of Wythenshawe Park. The site is surrounded by residential properties and is currently accessed via Moss Hey Drive off Sale Road and Hollyhey Drive off Yewtree Lane.
Princess Parkway borders part of the east edge of the site with a buffer of mature trees between.

The site previously provided education provision in the form of a sixth form college which consisted of one four storey building, a single storey extension, car parking for 371 vehicles and a sports-field to the south. The site has been in use for educational purposes since the 1930s. These elements have subsequently been demolished and removed from the site as part of the implementation of the approval.

**Description of proposal**
Planning permission was granted under application reference 131147/FO/2021 for the redevelopment of the site to provide 224 no. residential dwellinghouses with associated access, landscaping, parking and other works following demolition of existing buildings.

Two previous non material amendment applications have been considered in relation to the original planning approval under references:

133037/NMC/2022 for :
-Minor changes to the previously approved Finished Floor Levels (FFLs) on site, the FFLS are both reduced and increased in certain areas of the site.
- Due to forthcoming changes in the Building Regulations, there are some minor changes to the siting and footprint of some plots on site they will not result in any changes to internal space standards/sizes or any material changes in visual impact on the ground relating to width, and height; and,

134656/NMC/2022 for:
-Amendments to a limited number of plots on the application site (143-154 and 214-222 only) to amend the brickwork recess to the plots due to the use of timber frame construction on these plots from 160mm to 135mm.

The current non-material amendment relates to an amended energy statement following updates to the way in which the developer intends to achieve carbon reductions from the dwellings. This includes improvements to internal insulation and in the case of 11 plots would introduce air source heat pumps. The applicant has confirmed that the ASHP's would meet the permitted development regulations for such installations.

**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 amendments proposed relate to the substitution of the energy statement previously agreed for the development following updates to the energy performance of the properties on the site and further design review including the use of air source heat pumps on 11 of the properties.

Performance set out within the amended Energy Statement 2024
Carbon Reduction (94 Plots to L1a 2013)
Using enhanced fabric specifications, WWHRS and / or PV or ASHP, it is shown that the required 15% reduction from the Target Emission Rate (TER) as set out in Part L of the Building Regulations (2013) has been met by achieving a reduction of 24.25% carbon emissions (kgCO2/year) using L1a 2013.

Carbon Reduction (130 Plots to L1 2021)
Using enhanced fabric specifications and PV or enhanced fabric, ASHP, and PV, the target to meet L1 2021 should be met by achieving a reduction of 31% in carbon emissions (kgCO2/year) compared to L1a 2013.

Carbon Reduction (all 224 Plots)
Using the above proposals, we expect the site to achieve an average reduction of 28.16% in carbon emissions (kgCO2/year) using L1a 2013

Energy Performance as set out within the original Energy Statement

Carbon Reduction (70 Plots to L1a 2013)
By use of enhanced fabric specifications, WWHRS and PV it is shown that the required reduction of 15% from the Target Emission Rate (TER) as set out in Part L of the Building Regulations (2013) has been met by achieving a reduction of 19.33% carbon emissions kgCO2/year) using L1a 2013

Carbon Reduction (154 Plots to L1 2021)
By use of enhanced fabric specifications, FGHRS, WWHRS and PV the target to meet L1 2021 should be met by achieving a reduction of 31% carbon emissions (kgCO2/year) compared to L1a 2013

Carbon Reduction (all 224 Plots)
By using the above proposals, we expect the site will achieve an average reduction of 27.35% carbon emissions (kgCO2/year) using L1a 2013

Following assessment of the amendments proposed it is considered that the amendment to the energy statement including provision of air source heat pumps to 11 of the properties that would be within permitted development rights for those dwellings if completed, marginally improving the overall carbon reduction of the development is non-material in nature and as such the changes will not materially alter the originally approved scheme.

As a result of this change an update to condition numbers 2 (specified plans) and 25 (energy statement) is required.

These amendments together with those previously approved are not considered to cumulatively give rise to material amendments to the approval previously granted.

**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

1) The proposed amendments relate to the substitution of the approved energy statement with an amended statement following design changes to the internal fabric and consequential energy performance of the properties.

2) Following an assessment of the details submitted, the Council 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 have no significant material impact upon the appearance on the development within the streetscene or character of the wider area. It is also considered that the proposals would not have any impact on the amenity of any existing residential properties.

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

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:
Indicative Streetscenes A-C: Reference: 20052 (PL) 300 D; Indicative Streetscenes D - E: Reference: 20052 (PL) 301 D as received by the City Council as local planning authority on the 03/11/2021

Landscape Masterplan: Reference: 3882 101 E; Landscape Layout (1 of 2): Reference: 3882 102 E ; Landscape Layout (2 of 2): Reference: 3882 103 E; Wilson Housetype: Reference: 20052 (PL) 100 F; Burnett Housetype: Reference: 20052 (PL) 101 F; Dalton Housetype: Reference: 20052 (PL) 102 D; Burgess Housetype: Reference: 20052 (PL) 103 E; McKellen Housetype: Reference: 20052 (PL) 104 E; Joule Housetype: Reference: 20052 (PL) 105 E ; Winterson Housetype: Reference: 20052 (PL) 106 D ; Lowry Housetype: Reference: 20052 (PL) 107 D; Turing Housetype: Reference: 20052 (PL) 108 D; Gaskell Housetype: Reference: 20052 (PL) 109 D; Pankhurst Housetype: Reference: 20052 (PL) 110 E; Winterson Detail Sheet; Burnett Detail Sheet; Boundary Treatment Plan: Reference: 2131 / BT / 01 Rev C
All received by the City Council as local planning authority on the 01/11/2021

Build Route, Compound Location and Phasing Plan Reference: 2131/ROB/01 Rev B; Proposed Overall Site Layout: Reference: 2131/SL/01 Rev I; Management Plan: Reference: 2131/MC/01 Rev A; Surface Materials Layout: Reference: 2131/SML/01 Rev C; Waste Management Plan: Reference: 2131/WMP/01 Rev A; Adoptable Drainage Layout 40-01 Rev P1; All as received by the City Council as local planning authority on the 25/10/2021

Flood Risk Assessment (October 2021): Reference: 882187 -R1 (02)-FRA - as received by the City Council as local planning authority on the 27/10/2021

Drainage Technical Note prepared by RSK Ref: 882187 LLFA L02 dated 21st October 2021 as received by the City Council as local planning authority on the 25/10/2021

Design and Access Statement Addendum (October 2021): Reference: 20052 PL 500 Rev H as received by the City Council as local planning authority on the 05/11/2021

Construction Environmental Management and Demolition Plan: Miller Homes Rev: A as received by the City Council as local planning authority on the 28/10/2021

Transport Assessment (October 2021): Reference: 3225TA.04 as received by the City Council as local planning authority on the 25/10/2021

Revised Playing Field Mitigation Report: Reference 3-023-2021 Final Version 20.10.2021 as received by the City Council as local planning authority on the 20/10/2021.

Ground Investigation Report for Northenden College, Northenden Jan 2021

REPORT NO: 20MIL039/GI prepared by Betts Geo; Phase 1 Environmental Report TMC Northenden Campus, Wythenshawe, REC REFERENCE: 108393P1R0 October 2019; Phase II Geoenvironmental Site Assessment Northenden College Reference:13-969-R1-1 Date: July 2020 and accompanying information prepared by e3p; Ecological Survey and Assessment May 2021 prepared by ERAP ref: 2020-272; Dusk Emergence Survey for Bat Activity June 2021 prepared by ERAP ref: 2020-272b; Demolition plan reference DMP/01; Crime Impact Statement Version A ref 2009/0462/CIS/01; Broadband Statement Revision V0; Air Quality Assessment April 2021 prepared by Wardell Armstrong ; Wythenshawe Park Earthworks and drainage STRI report dated 16th May 2021; All as received by the City Council as local planning authority on the 21st July 2021

Planting Plan (1 of 5) Reference 3882 201 Rev A; Planting Plan (2 of 5) Reference 3882 202 Rev A; Planting Plan (3 of 5) Reference 3882 203 Rev A; Planting Plan (4 of 5) Reference 3882 204 Rev A and Planting Plan (5 of 5) Reference 3882 205 Rev A received by the City Council as local planning authority on the 5th November 2021

Arboricultural Impact Assessment: Reference: P.846.17 Rev C as received by the City Council as local planning authority on the 09/11/2021

Noise Assessment June 2021 Report No P20-540-R02v1 November 2021 prepared by Hepworth Acoustics as received by the City Council as local planning authority on the 10th November 2021

Bat and Bird Box Plan: Reference: ERAP Ltd. 2020-272 V4 (CH) as received by the City Council as local planning authority on the 16th November 2021

Rolec EV WALLPOD:EV READY information sheet as received by the City Council as local planning authority on the 30/11/2021

Materials Layout reference 2131 / ML / 01 Rev A as received by the City Council as local planning authority on the 01/12/2021

Adoptable Drainage Layout: Reference: 40-01 P2 and Proposed Overall Site Layout (Colour): Reference: 2131 / SL /01 Rev K as received by the City Council as local planning authority on the 23/02/2022

Proposed window reveal applied to plots 143 -154 and 214-222 reference 2131/WR/135 as received by the City Council as local planning authority on the 10th August 2022

Energy and Sustainability Statement: Rev C 06/03/2024 as received by the City Council as local planning authority on the 20/03/2024

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.

25) The Development shall be carried out in accordance with the measures outlined in the Energy and Sustainability Statement: Rev C 06/03/2024 as received by the City Council as local planning authority on the 20/03/2024 hereby approved. Prior to the occupation of the development, a verification report containing evidence that the agreed measures have been implemented should be submitted to and approved in writing by the City Council.

Reason - To ensure the development achieves the carbon reduction measures divulged within the submitted application documents pursuant to policy EN6 of the Core Strategy.

**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
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -