

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135257/JO/2022

Date registered valid: 9 December 2022

Proposal: Variation of Conditions 2 (Specified plans), 3 (Materials), 4 (Car parking layout), 8 (Bin storage), 10 (Construction Management Plan) and 11 (Acoustic Insulation Scheme) from planning approval 124986/JO/2019

Address: Whitworth Park Mansions, 366 - 372 Moss Lane East, Manchester, M14 4LU

Ward(s): Moss Side Ward

Applicant: Hassan, Whitworth Park Properties Ltd

Agent (if any): Mr John Dickinson, The Intelligent Design Centre

Case officer: Jennifer Connor
Tel: 0161 234 4545
Email: jennifer.connor@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 02.11.2023

Application details

Type of application: Variation or Removal of Condition

Development type: Major Dwellings

Date of site visit: 13 December 2022

Standard consultations:

Printed: 19 June 2023 Expired: 3 July 2023

Neighbour notifications

Printed: 19 June 2023 Expired: 3 July 2023

Site notice

Posted: 30 January 2023 Expired: 20 February 2023

Press advert

Published: 27 December 2022 Expired: 17 January 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

Whitworth Park Mansions, which are Grade II listed, are located at the junction of Moss Lane East and Upper Lloyd Street in Moss Side. The area is predominantly residential with some community and commercial properties in close proximity to the application site.

Planning permission was granted for the erection of 11 no. dwelling houses with an enclosed amenity space and associated car parking and erection of bin stores and cycle store. Erection of single storey rear extension to Mansions building in association with refurbishment and internal re-planning of the existing building to provide a further 14 No. bedrooms to the 24No. existing apartments under reference 108496/FO/2015/S1. This permission was superseded by variation 124986/JO/2019.

Listed building: Grade II

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

Variation of Conditions 2 (Specified plans), 3 (Materials), 4 (Car parking layout), 8 (Bin storage), 10 (Construction Management Plan) and 11 (Acoustic Insulation Scheme) from planning approval 124986/JO/2019

The alterations that are being requested via this submission are;

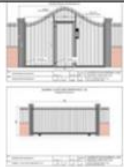
- 1) Installation of Solar panels to the hidden inner roof slope (NO PLANS ARE SUBMITTED TO INDICATE THIS)
- 2) Creating a one way vehicular access to the site by utilising the already approved

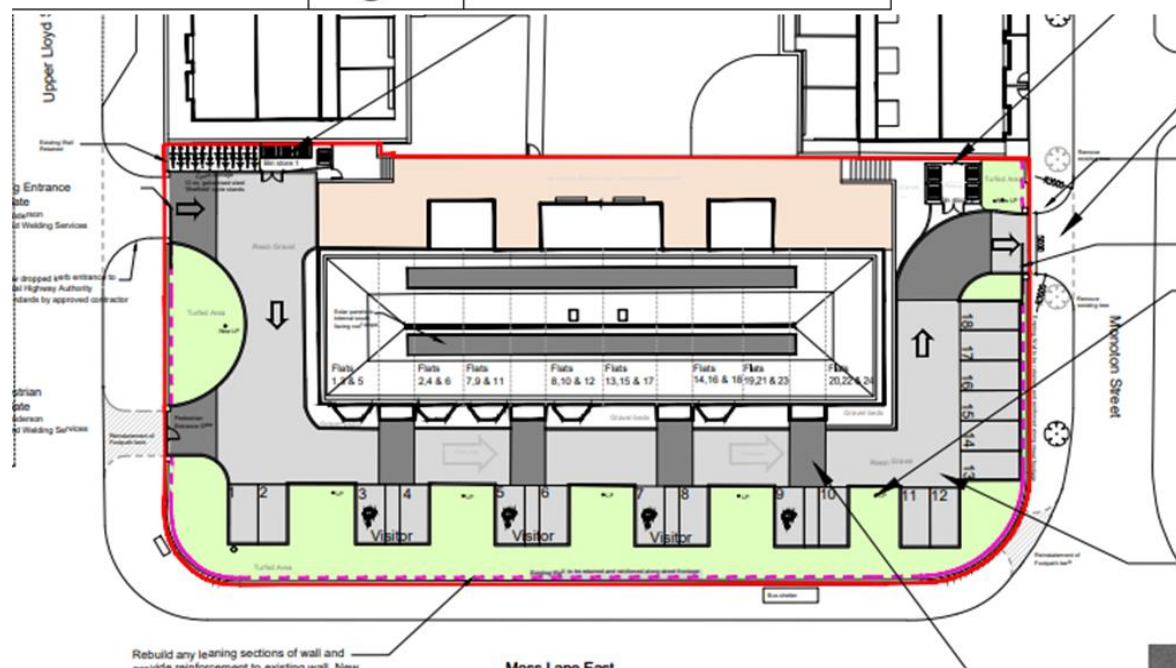
access off Upper Lloyd Street and forming a new exit onto Monton Street through the existing gap in the boundary wall.

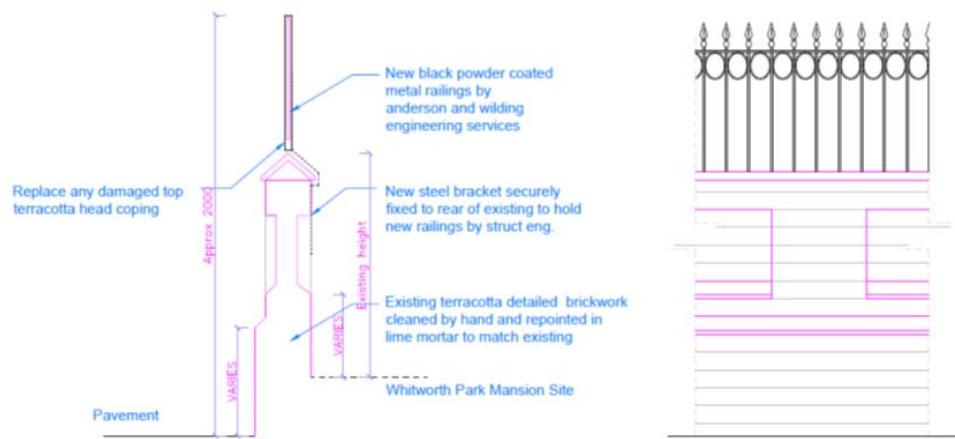
3) Amendments to the approved parking layout

4) To install a heritage style railing around the site to create a secure site.

There are additional details submitted for the bin and cycle stores.

Fencing and Gates Gates and Access:		Design by Anderson Engineering and Welding Services – See supplied detail drawings with planning application. Black powder-coated Steel gates and powder-coated wrought iron fencing. See Drawing 22015-15.
Access road surfacing & Parking Areas Main Surface Material: Edging Paviments, Entrance & Transition Feature Strips: Small graveled area to rear:		Block paving setts: Pavesett Charcoal – Light Grey Tumbled Sandstone Setts - See drawing 22015-11. Available from www.pavingdirect.com Plain dark grey tar macadam. Golden Gravel: Available from Travis Perkins www.travisperkins.co.uk
Bin Storage Areas:		Treated Timber Post and Panels. See 22015-12.
Feature Light Lanterns to front: Other lights:		Victorian Lighting Replacement Black Heritage Lantern (head replacement) available from www.blackcountrymetalworks.co.uk New posts to be professional LED bollards. Available at www.nationallighting.co.uk





Proposed Boundary Wall/Fence to Type A

Upper Lloyds Street and Moss Lane East

Consultations & Notification Responses

Councillor Emily Rowles - There is inadequate parking for the development, and a huge problem with parking in this area. We cannot support an application that will add to the parking issues in the locality. The Moss Side Councillors therefore have to object.

Discussed issue with previous approvals for the site with the Cllr, no further comments on revised scheme.

Contact from Councillor Erinma Bell about site circumstances, emailed informing of site history.

1 resident objecting on two occasions due to lack of parking. Reference to significant problems in area with parking associated with MRI and University and problems with egress from Monton Street where traffic problems generated by existing vehicle repair business. Acknowledged improvement in revised scheme but feels that there should be one space per unit.

Highways - The original application proposed 100% on-site car parking (for the houses and the apartments) which were surrounding the mansion building. Separate courtyard parking has since been provided for the houses with 12 spaces provided for 11 dwellings.

The revised proposal indicates that 18 car parking spaces are now being provided for the 24 apartments equating to 75% provision. Highways consider this level of provision insufficient and require 100% on-site apartment parking. The amount of disabled parking provided aligns with core strategy requirements.

With regard to cycle parking, we consider that sufficient provision is made.

In relation to servicing it was proposed that a lay by was provided outside of the new houses on Upper Lloyd Street and this is still required. At submission stage for the original application, it was not clear how and where waste associated with the apartments was to be collected and whether internal servicing was proposed. This is still not clear and clarification is sought from the applicant including the submission of any supporting vehicle swept path information.

It would now appear that the proposal for a two-way access/egress from Upper Lloyd Street is replaced with a vehicle access on Upper Lloyd Street and a vehicle exit on Monton Street. Whilst this is acceptable in principle, again vehicle tracking is required to demonstrate that this arrangement is workable. The gating arrangements are acceptable to us.

As per our previous comments, alterations to the highway are required which are to be delivered through S278 agreement between the applicant and the highway authority. The additional method statement to the Construction Management Plan does not seem to have been uploaded and we request that it is for our further consideration.

FURTHER HIGHWAYS COMMENTS - 22 June 2023

Submitted information confirms the proposal for a vehicle access on Upper Lloyd Street and a vehicle exit on Monton Street. Vehicle tracking has been provided and demonstrates that this arrangement is workable. The gating arrangements are also acceptable to us. Swept path information confirms that waste management and collection will take place on site.

As per our previous comments, alterations to the highway are required which are to be delivered through S278 agreement between the applicant and the highway authority. In order to maintain visibility and access, the new access should be protected via Traffic Regulation Orders (TROs) in the form of no waiting at any time parking restrictions, as well as tactile paving at pedestrian crossing points. All off-site highway works should be conditioned and attached to any future consent.

A Construction Management Plan should be conditioned and attached to any future consent. (CMP Submitted)

GMP – No concerns

Environmental Health – Had queries that will be addressed below in the report.

Issues

Unauthorised work has occurred in relation to the planning permission that was granted, this consent seeks to regularise those breaches and to apply for variations.

The previous consents were sought by a previous owner. This application and the associated variation of the listed building application are being sought by the new owner of the site.

Impact of the proposals on the setting of the listed building.

The main policies that relate to the proposal are Section 12 (achieving well designed places) and Section 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (NPPF), Policies PS1 (Spatial Principles) and EN3 (Heritage) of the Adopted Core Strategy for the City of Manchester and saved policy DC19.1 (Listed Buildings) of the Unitary Development Plan for the City of Manchester.

Additional Legislation

Section 16(2) of Listed Building Act provides that “in considering whether to grant listed building consent for any works to a listed building, the local planning authority of 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 possessed.”

Section 66 of the Listed Building Act provides that in considering whether to grant planning permission for development that affects a listed building or its setting the local planning authority 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.

Policy EN3 of the Core Strategy states that the Council will encourage development that takes advantage of the City's distinct historic and heritage features. New developments should preserve or enhance the historic environment and proposal which re-use the heritage asset will

be encouraged where they are considered consistent with the significance of the heritage assets.

The proposal complies with policy EN3 in that it will permit work within the grounds of the Listed Building that will allow the useful occupation of the mansions.

Saved policy DC19.1 of the Unitary Development Plan for the City of Manchester states that in determining applications for listed building consent or planning applications for development involving or having an impact on buildings of Special Architectural or Historic Interest, the Council will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protecting their general setting. In giving effect to this policy, the Council will:

- a. not grant Listed building consent for the demolition of a listed building other than in the most exceptional circumstances, and in any case, not unless it is satisfied that every possible effort has been made to continue the present use or to find a suitable alternative use;
- b. not permit a change of use of a listed building, where it would have a detrimental effect on the character or appearance of the building;
- c. not permit any external or internal alteration or addition to a Listed building where, in its opinion, there would be an adverse effect on its architectural or historic character;
- d. seek to preserve and enhance the settings of listed buildings by appropriate control over the design of new development in their vicinity, control over the use of adjacent land, and where appropriate, by the preservation of trees and landscape features;
- e. permit demolition only where there are approved detailed plans for redevelopment and where there is evidence of a firm building contract;
- f. not permit alterations to a listed building which would prevent the future use of any part of the building, in particular upper floors or basements, or where poor maintenance is likely to result.

It is considered that the proposals will secure the long term use of a visually prominent listed building. The proposals have been arrived upon following consultation with the City Council with regards to unauthorised works and what the City Council advises is an appropriate way to deal with the building.

There is an element of harm with regards to the increase in the car parking accommodation to the frontage of the building and the alteration of the boundary treatment, however, the benefits of securing the long term future of the building outweigh the less than significant harm that is caused to the setting of the Grade II listed building. It is not considered that the placement of solar panels referenced in some of the supporting documentation within the inward facing roof slopes would necessarily cause harm, however, no plans were submitted to indicate the detail or placement of said solar panels and this was not included in the application form, nor in the description of development. This information was requested. Consequently no consent is granted for solar panels as part of this application, which would need to be sought separately, an informative to this effect should be placed on any decision notice.

Policy DM1 of the Core Strategy states that all development should have regard the following specific issues:-

- o Appropriate siting, layout, scale, form, massing, materials and detail;
- o 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;
- o 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;

- o Community safety and crime prevention;
- o Design for health;
- o Adequacy of internal accommodation and external amenity space;
- o Refuse storage and collection;
- o Vehicular access and car parking;
- o Effect on biodiversity, archaeological or built heritage;
- o Green infrastructure;
- o Flood risk and drainage.

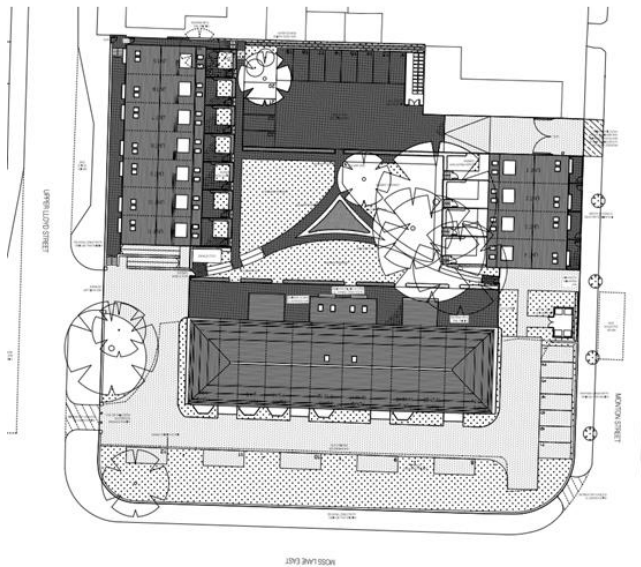
The proposals respect the built heritage on site, it is not considered that the scheme proposed adversely impacts upon the amenity of the area or any surrounding property.

It is considered that the proposal is consistent with the policies contained within the Core Strategy Policy DM1.

Approval of this scheme will allow a viable use of the listed building which would be beneficial. There is public benefit to securing a viable use. The optimum viable use would now be secured in an appropriate manner.

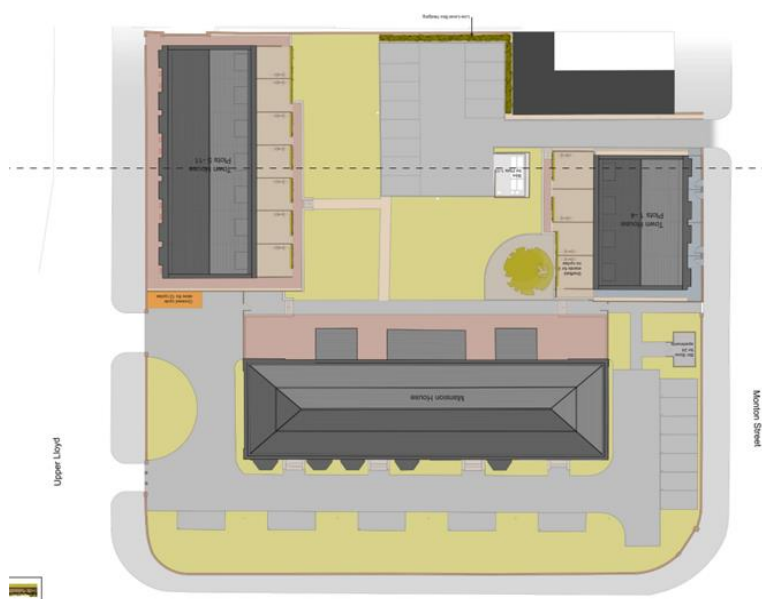
Car Parking levels and impact on the Highway

108496/FO/2015/S1

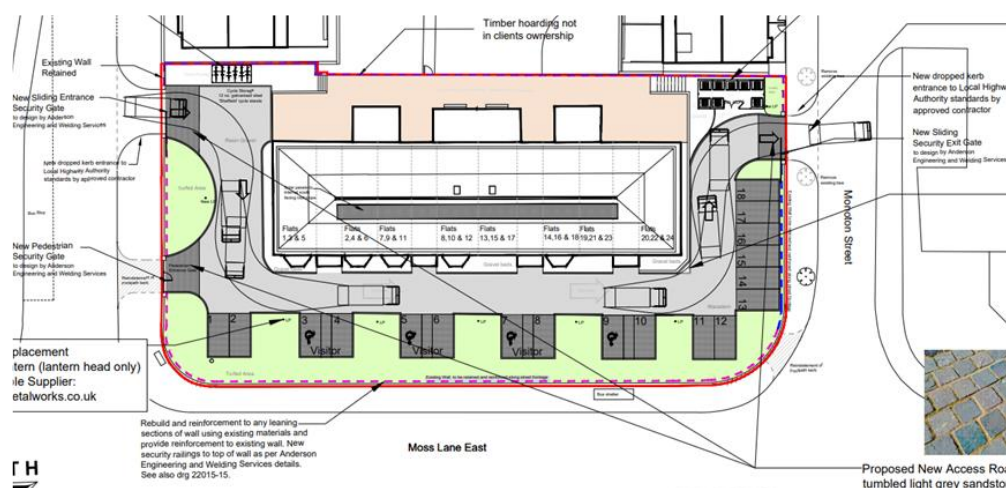


Shared amenity space maintained. 5 spaces front section, 7 spaces to side near junction with Monton Street. 12 spaces in a shared parking courtyard. 24 spaces for 35 units. 69% parking.

124986/JO/2019



Access to shared amenity space maintained. 5 space front section, 7 spaces to side near junction with Monton Street. 12 spaces in the shared parking courtyard. 24 spaces for 35 units. 69% parking.



The plans now reflect that the site has been subdivided. This has two implications, reducing the amount of amenity space that the apartments to the south of the site have access to and also removing the access to the car parking area to the north of the site now utilised by the housing, which has been separated from the mansion house.

There would now be 12 spaces to the site frontage and 6 spaces to the junction with Monton Street. 2 spaces would be located in an area previously shown as a turning area. The 10 spaces have been achieved by increasing the depth of the 5 spaces encroaching into the area previously retained as landscaping associated with the setting of the listed building. There would now be an in arrangement off Upper Lloyd Street and an out from Monton Street.

The rear of the site was built out in accordance with approved plans with 12 spaces for 11 units when subsequently subdivided. There would therefore be a total of 40 spaces across the site as a whole, albeit that only 18 spaces would be available for the 24 apartments. The proposals involve an increase in on site parking provision over and above previously approved schemes for development of the site. The site is also within a sustainable location in close proximity to a bus corridor and arguably within walking distance of the City Centre.

The arrangement of the in and out has been assessed as being acceptable, as is the servicing arrangement. Highways do not have concerns with regards to egress from Monton Street. A construction management plan was submitted and is conditioned.

Acoustic Insulation and Bin Storage

Planning permission was granted subject to a condition requiring consideration of issues relating to acoustic insulation of the premises from noise. We have now been furnished with a post completion noise report stating that there was no need for secondary glazing (that would have affected internal listed features) and that the installation meets local authority criteria.

There have been ongoing conversations about the level of bin storage required on site. This proposal increases the amount over previously approved without a change in the unit numbers, servicing has been assessed as being acceptable. Waste Management is therefore acceptable.

In view of the above, it is considered that the proposals would be acceptable having regard to Sections 16(2) and 66 of (Listed Buildings and Conservation Areas) Act 1990, Sections 12 and 16 of the National Planning Policy Framework, the Core Strategy for the City of Manchester, in particular policies SP1, DM1 and EN3 and saved policy DC19.1 of the Unitary Development Plan for the City of Manchester.

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

Officers have worked with the applicant in a positive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

Condition(s) to be attached to decision for approval

1. The development must be begun not later than the expiration of one 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:

Construction Method Statement 22015 – MS
Pedestrian Entrance Rev A
Front Aspect Rev A
Typical Transition Rev A
Typical Panel Rev A
Sliding Gate Side Entrance x 2 Rev A
Waste Proposal

Received 02.11.2022

Proposed Bin Storage 22015-12 – A
Proposed Site Plan 22015-11-E
Internal Noise Assessment NOVA Acoustics

Received 19 June 2023

Proposed Boundary Wall / Fence Details 22015-15 rev A

Received 30 October 2023

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1, DM1 and EN3 of the Core Strategy and saved policy of DC19 of the Unitary Development Plan for the City of Manchester.

3. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the first occupation of the development hereby approved. The car parking shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with policy DM1 of the Core Strategy.

4. Prior to first occupation of the development the cycle parking shall be implemented in full and made available for use. The approved scheme shall remain available for use whilst the development is occupied.

Reason - To ensure there is adequate bicycle parking provision, pursuant to policies DM1, T1 and SP1 of the Manchester Core Strategy.

5. The approved landscaping scheme shall be implemented within a timescale previously agreed in writing by the local planning authority. 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 EN9, EN15 and DM1 of the Core Strategy.

6. The development is to be undertaken in accordance with the submitted waste management strategy. The strategy shall be implemented in full prior to the first occupation of the authorised development and maintained in situ thereafter.

Reason - In the interests of residential amenity and to secure appropriate arrangements for the storage and collection of segregated waste and recycling, pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) none of the dwelling houses hereby approved shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a).

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 people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

8. When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

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 Core Strategy.

Informative – This consent does not confer any consent for the installation of solar panels referenced in some supporting documentation, this would have needed to be included in the application form and detailed drawings would need to have been provided for consideration. Consent would need to be sought for the installation of solar panels separately.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Highway Services
Heritage & Urban Design
Greater Manchester Police

List of those notified on Uniform

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) -
Area Team Boundary - Name: SOUTH AREA