

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138453/NMC/2023

Date registered valid: 10 November 2023

Proposal: Non-material amendment to planning permission referenced 134946/FO/2022 to allow the inclusion of posts to support 3 of the first floor, rear balconies

Address: Jessiefield, Spath Road, Manchester, M20 2TZ

Ward(s): Didsbury West Ward

Applicant: McCarthy & Stone Retirement Lifestyles Ltd

Agent (if any): Mr Chris Butt, The Planning Bureau Ltd

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 14 November 2023

Application details

Type of application: Non-Material Change Application

Development type: Notifications

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 site is situated at the corner of Spath Road and Lancaster Road. and was formerly occupied by a large, two-storey, detached dwellinghouse, known as 'Jessiefield' until its recent demolition.

The site forms a development site following the granting of planning permission for the erection of a part two, part three storey building to provide 26 no. retirement apartments (Class C3). The development is presently under construction.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The immediate area is predominantly residential in character and includes a number of substantial, characterful properties of various architectural styles, largely ranging from 2-3 storeys in height. The area is leafy in character with mature trees lining nearby roads.

Description of development

Non-material amendment to planning permission referenced 134946/FO/2022 which allowed for the erection of a part two, part three storey building to provide 26 no. retirement apartments (Class C3).

In this case, the amendment relates to the incorporation of posts to support 3 of the first floor balconies at the rear of the building. The changes are required following advice from the applicant's engineer that additional support is needed to ensure that the balconies are adequately supported and not prone to deflection.

Consultations & Notification Responses

None Required.

Planning History

134946/FO/2022

Erection of part two, part three storey building to provide 26 no. retirement apartments with associated communal facilities, landscaping, boundary treatments and car parking following the demolition of the existing dwelling. *Approved 12 July 2023.*

128018/FO/2020

Erection of a part three, part four storey building to provide 34 retirement apartments with associated communal facilities, landscaping and car parking following the demolition of the existing dwelling. *Refused 18 December 2020.*

The refusal of permission was subject to an appeal (Ref: APP/B4215/W/21/3274312) *dismissed on 16 March 2022.*

123555/FH/2019

Erection of single-storey rear extension, erection of single-storey side extension with accommodation in roof-space, following demolition of existing garage, erection of front porch and installation of 3no. dormers and gable to front, installation of gable with balcony to rear, together with elevational alterations, and reconfiguration of driveway and associated landscaping and boundary treatments. *Approved 25 June 2019.*

089194/FO/2009/S2

Erection of two 3 storey detached dwelling houses with basement parking and associated landscaping. *Approved 29 May 2009.*

077185/FO/2005/S2

Erection of a part 3 storey/part 4 storey block of 13 apartments with associated landscaping and parking for 14 vehicles. *Refused 28 November 2006.*

The refusal of permission was subject to an appeal (Ref: APP/B4215/A/07/2038312) *dismissed on 26 June 2007.*

F03625

New porch and kitchen extension to dwellinghouse. *Approved 23 October 1975.*

Policy

The following policy is considered relevant to the consideration of this application:

- Policies DM1, H1 and SP1 of the Manchester Core Strategy;
- National Planning Policy Framework (NPPF).

Issues

Materiality

Given the nature of the change, it is not considered that there would be any material impact to the envisaged building appearance.

Due to the alterations being to the rear of the building, largely obscured from the public dominance, the proposed amendment would not result in any undue impact to residential or visual amenity and would not significantly undermine the original design intent.

On this basis, it is not believed that alterations would raise any new issues, since the conclusions of technical assessments approved as part of the host permission would be the same. The proposed amendment would therefore comply with all relevant, overarching policy and guidance and is therefore 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

The proposed amendment relates to the inclusion of posts to support 3 of the first floor, rear balconies.

Following an assessment of the details submitted, I can confirm that the proposed amendment is 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 host planning permission.

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:

Location plan referenced NO 2697 3 AC 0001, received by the City Council as Local Planning Authority on 14 September 2022, drawings referenced NO-2697-3-AC-0003, NO-2697-3-AC-0008, NO-2697-3-AC-1000 Rev C, NO-2697-3-AC-1001 Rev C, drawing referenced 1050-KC-XX-YTREE-TPP01/Rev C received by the City Council as Local Planning Authority on 1st March 2023, drawing referenced NO-2697-3-AC-0002 Rev G received by the City Council as Local Planning Authority on 24 February 2023, drawing referenced NO-2697-3-AC-0020 Rev B, received by the City Council as Local Planning Authority on 1st March 2023, drawings referenced NW-2697-03-LA-101 3712 Rev F and NW-2697-03-LA-201 3712 Rev A received by the City Council as Local Planning Authority on 3rd March 2023 and drawings referenced NO-2697-3-AC-2001/F and NO-2697-3-AC-2002/F, received by the City Council as Local Planning Authority on 1 November 2023.

Energy Statement produced by Focus Consultants and received by the City Council as Local Planning Authority on 14 September 2022.

Phase I Desk Top Study Report prepared by Arc Environmental, dated 7 August 2020, received by the City Council as Local Planning Authority on 14 September 2022.

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

HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (June 2022)

HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH AREA