

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137745/FO/2023

Date registered valid: 2 August 2023

Proposal: Erection of second-floor extension and rear terrace to the existing office building.

Address: Craig House, 33 Ballbrook Avenue, Manchester, M20 3JG

Ward(s): Didsbury West Ward

Applicant: M20 Property Group

Agent (if any): Kath Ludlam, Ludlam Associates

Case officer: Steven McCoombe
Tel: 0161 234 4607
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Recommendation: Refuse

Date of recommendation: 23 November 2023

Application details

Type of application: Full Application Consent

Development type: Minor Office

Date of site visit: 14 September 2023

Standard consultations:

Printed: 14 August 2023 Expired: 4 September 2023

Neighbour notifications

Printed: 7 November 2023 Expired: 17 November 2023

Site notice

Posted: 14 September 2023 Expired: 5 October 2023

Press advert

Published: 22 August 2023 Expired: 5 September 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site relates to Craig House, a two-storey brick-built building, incorporating a flat roof and glazed roof lantern, set behind a parapet.

The building which fronts Ballbrook Avenue was constructed in the 1920's as a telephone exchange in an eclectic neo-Georgian and Art Deco style and is now in use as offices.

To the western end of the building, a small side element of the property is lower in height and forms an entrance lobby including a large timber panel entrance door.

The building includes a regular array of sash windows which provide a degree of symmetry and uniformity to the building.

Immediately to the front of the building is a forecourt used for car parking.

The building makes an important and positive contribution to the character and special significance of the designated asset in its current form and is considered a non-designated heritage asset on account of its architectural, historic and group interest.



View of the application property in the background

Listed building: Not applicable

Conservation area: Ballbrook Conservation Area 1992

Tree Preservation Order: No

Description of area

The application site is located a short distance to the east from the main north/south route of Palatine Road, which links south Manchester with the city centre.

Immediately to the west is the residential building. To the south is the former Post Office and rear yard, now occupied by Pizza Express. To the north is the Grade II Listed former bank at 99 Palatine Road, comprising health, office and residential uses. To the north and east are two storey residential properties along Ballbrook Avenue and Redclyffe Road.

The immediate area contains a variety of small-scale commercial uses focused around the Palatine Road/Lapwing Lane junction. A Metrolink line runs parallel with Lapwing Lane just beyond.

The wider area, including further along Ballbrook Avenue is predominantly residential in character, mainly comprising attractive, brick and rendered properties.

The site lies within Ballbrook Conservation area, characterised by wide, residential, tree lined roads of Edwardian semi-detached houses, with hipped gables and low brick garden walls to the front. To the western end of Ballbrook Avenue is a cluster of buildings of a distinctly different character, which date from 1920's and to which the application property forms part of. These buildings are visually distinct from the residential properties that make up the rest of Ballbrook Avenue and incorporate higher eaves heights and are of a greater scale.

Description of development

Planning permission is sought for the erection of a rooftop extension to provide additional office floorspace. The proposed new roof incorporates a series of 6 dormers style windows to the

frontage and 4 to the rear elevation. At the rear, the proposed floorspace would open out onto an external area, enclosed by a glass balustrade.

The proposed development represents a revised scheme to that originally submitted, as the applicant has attempted to alter the proposal to overcome the initial concerns raised by the Planning Service. Notably, a reduced footprint for the rooftop extension by setting the footprint in from the parapet, reduced massing and changes to the external materials.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Highway Services – The following principal comments are made:

Trip Generation and Junction Capacity

Clarification is sought on the number of new employees at the site following the expansion of the unit. While there is no information submitted which outlines the potential trip generation of the site given the proposals will not provide vehicle parking the proposals are unlikely to give rise to a significant level of new vehicle trips. Therefore, it is accepted that no highway concerns in terms of safety or capacity are considered likely to arise and no junction capacity assessments will be required.

Site Accessibility

It is recognised that the site is located within an established built-up area and is in a highly accessible location as outlined within the Planning Statement. Given the car-free nature of the proposals, details should be provided on the accessibility of the site for employees and visitors to the site with consideration given to how this information will be communicated to these individuals.

Parking and Access

There is no car parking proposed for the development. Due to the location of the site there are existing parking restrictions enforced along all roads within the local area. Additional information should be provided on how employees and visitors will be able to access the site by other modes of transport and information provided on how new employees will be encouraged not to drive to the site.

Pedestrian Access

Pedestrian access will continue to be provided from Ballbrook Avenue as per the existing arrangements at the site. This is acceptable.

Cycle Parking

There are no details provided in relation to the existing cycle parking provisions at the site. Given the existing parking restrictions surrounding the site, details should be provided on the existing cycle parking arrangements for the site. Consideration should also be given to any increase in cycle parking required as part of the proposed extension.

Construction Management

Details should be sought from the applicant in relation to any proposed construction or fit-out arrangements, where there is an impact on the highway.

Background

It is understood that host building was purpose built as a Telephone Exchange and linked to the Post Office at 113 Lapwing Lane (now Pizza Express) with a shared central courtyard. The original use ceased in the 1980's since when it has been occupied as an antique furniture warehouse and more recently as offices.

Planning History

052998/FU/SOUTH2/97

Change of use to Class B1. *Approved 27 November 1997.*

038522

Change of use to part retail and part wholesale of antiques and formation of loading/unloading area with vehicular access from Ballbrook Avenue. *Approved 16 May 1991.*

035749

Partial demolition, refurbishment and addition to existing buildings for office use. *Approved 29 March 1990.*

033334

Construction of 10, 2/3 bedroom maisonettes and 10, 1/2 bedroom flats over new shop premises with associated car parking and garden facilities. *Refused 25 May 1989.*

Policy

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027.

'The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies within the Core Strategy are considered relevant:

Policy SP1 (Spatial Principle) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that

developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 (Development Management) states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy EN3 (Heritage) – states that the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre. New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Unitary Development Plan for the City of Manchester, 1995 (Saved Policies)

The below saved policies of the Unitary Development Plan are also considered relevant:

Policy DC18.1 (Conservation Areas) – relates to development proposals within conservation areas and seeks to preserve and enhance the character of its Conservation Areas by considering the relationship of new structures to neighbouring buildings and spaces, the effect of changes to existing buildings and the desirability of retaining existing features. Consent to demolish a building within a Conservation Area will be granted only where it can be shown that is beyond repair, incapable of beneficial use or where its replacement would benefit the appearance or character of the area.

Places for Everyone (draft)

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan.

To date, five consultations have taken place in relation on the Plan. The Examination of Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8-week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

National Planning Policy Framework

The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.

The Framework underlines a “presumption in favour of sustainable development”. This means approving development, without delay, where it accords with the development plan and where the development is absent or relevant policies are out-of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

Sections 4, 12 and 16 are considered relevant to the consideration of this application.

Other legislative requirements

-Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (the "Listed Building Act") provides in the exercise of the power to determine planning applications for land or buildings within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Issues

Procedural

The application has been determined based on drawings referenced 714-62-101P and P200, P210, P220, P102, P103, P300 received by the City Council as Local Planning Authority on 2 August 2023 and 6 November 2023 respectively.

Principle

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that decisions are to be made in accordance with the development plan, unless material considerations indicate otherwise.

The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.

In the case of this application, the principle of the proposed development is not considered acceptable and is in conflict with the aforementioned development plan policy and associated guidance.

It is considered that the addition of a mansard roof to the 1920s, former telephone exchange would disrupt the relationship of the buildings in this part of the conservation area, to the detriment of the local townscape. The proposed extension would fail to preserve or enhance

the building's contribution to the conservation area, causing a degree of harm to the special interest to the conservation area, local sense of place and its distinctive townscape composition.

No evidence has been submitted to substantiate that the proposed extension is essential to secure a viable commercial use for the building under consideration and as such, the perceived harm to the character and special interest of the conservation area is not considered to be supported by clear and convincing justification as required by paragraph 200 of the NPPF.

On this basis, the proposal is considered to conflict with policies DM1, SP1 and H3, of the Manchester Core Strategy, saved policy DC18.1 of the Unitary Development Plan for the City of Manchester and the National Planning Policy Framework (NPPF). There are no material considerations to indicate otherwise.

The principal issues are outlined further below.

Heritage Impact

There is a need to have special regard to the desirability of preserving the character of conservation areas as outlined within Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 which requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character and appearance of designated areas. This is supported by policies EN3 and DC18.1 of the Core Strategy, along with Section 16 of the NPPF, which underline the need for due consideration to be given to the impact of new developments on heritage assets

Paragraph 197 states: *'in determining applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness'.*

Paragraph 202 advises that:

'Where a development proposal will lead to less than substantial harm to the significance of designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use'

Paragraph 203 states further that:

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage assets'.

In this case, the site is in the Ballbrook Conservation Area. The application building itself is not listed but is situated a short distance of 99 Palatine Road 'The Bank', a Grade II listed building situated at the corner of Ballbrook Avenue. This building was designated as an ornate landmark and forms a prominent corner at the gateway into the inter-war residential suburb of West Didsbury. It was built and designed separately from the application building, but remains distinct

in townscape and architectural terms. Its mansard roof is comparable to the application building in form and prominence.

The host building has a parapet line that broadly aligns with the ridges of the dwellinghouses along Ballbrook Avenue. This creates an attractive and consistent skyline. Its height, mass and location also tie the building to the core of the conservation area and allow the listed building at 99 Palatine Road to be read as the local landmark in the immediate context and as a building distinct from the application building and the dwellinghouses that otherwise dominate the conservation area.

In this case, the addition of a mansard roof would disrupt the relationship of the buildings in this part of the conservation area, to the detriment to the local townscape.

The proposed design, appearance and form of the rooftop extension would be unduly prominent, detracting not only from the original architectural character of the building, but also the grouping of building as the corner of Ballbrook Avenue/Palatine Road.

The proposed front dormers and blank brick gables emerging above the existing parapet would exacerbate the visual impact and would appear uncharacteristic and out of keeping with the distinctive character of this part of the conservation area.

Considerable weight that must be given to preserving or enhancing the character of the conservation area, as set out in within Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. It is considered that on balance and when weighed against the lack of any notable public benefits, the impact to local heritage, would fail to enhance the character of the conservation area and the significance of the Ballbrook Conservation Area would be compromised.

Residential Amenity

Given the existing office use, it is not believed that the increase in floorspace and the modest increase in staff numbers would give rise to harmful impact as a result of increased noise and disturbance.

Whilst a roof terrace is proposed to the rear, the terrace would overlook the rear of commercial uses along Lapwing Lane and would not introduce any loss of privacy to neighbouring residential occupiers. The impact to residential amenity is therefore considered acceptable.

Impact to the Highway

Whilst the increased floorspace would likely generate additional parking demand, any potential for on-street parking would be controlled by way of existing parking restrictions enforced along all roads within the local area, as part of the Christie Hospital parking scheme. Further, the site is situated within a highly sustainable location, close to the main busy corridors along Palatine Road and within walking distance of a Metrolink station on Lapwing Lane. It is not therefore believed that parking demand would be so severe to jeopardise the operation of the highway or the amenity of neighbouring occupiers by way of increased competition for on-street parking spaces.

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: Refuse

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

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

1) The proposed rooftop extension and associated alterations would by reason of its design, form, appearance and increase in building height, have a harmful impact to the character and appearance of the Ballbrook Conservation Area. The proposed works would disrupt the relationship of the host building with other buildings in this part of the conservation area, to the detriment of the local townscape. The proposed extension would therefore fail to preserve or enhance the building's contribution to the conservation area, causing a degree of harm to the special interest of the Ballbrook Conservation Area, the local sense of place and its distinctive townscape composition. As such, the proposed development is contrary to saved policy DC18.1 of the Unitary Development Plan for the City of Manchester, policies DM1, EN3 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

Appendix 1 – List of consultees & neighbours notified

West Didsbury Residents Association

99A Lapwing Lane, Manchester, M20 6UT
First Floor, 99 Palatine Road, Manchester, M20 3JQ
91 Lapwing Lane, Manchester, M20 6UR
95 Lapwing Lane, Manchester, M20 6UR
Ground Floor, 99 Palatine Road, Manchester, M20 3JQ
Flat 2, 35 Ballbrook Avenue, Manchester, M20 3JG
Flat 1, 35 Ballbrook Avenue, Manchester, M20 3JG
West Didsbury Post Office, 99 Lapwing Lane, Manchester, M20 6UT
93 Lapwing Lane, Manchester, M20 6UR
31 Ballbrook Avenue, Manchester, M20 3JG
Flat 2, 99 Lapwing Lane, Manchester, M20 6UR
Flat 1, 99 Lapwing Lane, Manchester, M20 6UR
99 Palatine Road, Manchester, M20 3JQ
97 Lapwing Lane, Manchester, M20 6UR
16 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
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Conservation Area - Ballbrook Conservation Area 1992
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA