

Planning

Growth & Development

Delegated officer report for planning application

Application no.	133426/FO/2022
Date registered valid:	14 June 2022
Proposal:	Erection of a two storey dwellinghouse following the demolition of existing dormer bungalow
Address:	246 Palatine Road, Manchester, M20 2WF
Ward(s):	Didsbury West Ward
Applicant:	A Lock
Agent (if any):	S.W. Foulkes
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	4 May 2023

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 14 July 2022

Standard consultations:

Printed: 9 March 2023 Expired: 19 March 2023

Neighbour notifications

Printed: 9 March 2023 Expired: 19 March 2023

Site notice

Posted: 14 July 2022 Expired: 4 August 2022

Press advert

Published: 21 June 2022 Expired: 12 July 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

No. 246 Palatine Road is a detached bungalow, with car port to the front, which is set within maturely landscaped grounds. To the north, west and south of the site lies the grounds of the Britannia Hotel, while to the east, on the opposite side of Palatine Road, is Withington Golf Club. The site lies within the Green Belt and Flood Zone 2 and 3. The HS2 safeguarding area sits at the front of the site and a public footpath runs along the northern border of the site. In addition, a High or Intermediate pressure (above 2 bar) gas pipeline is located to the front of the site.

Listed building:	no
Conservation area:	no
Tree Preservation Order:	no

Description of development

Erection of a two storey dwellinghouse following the demolition of existing dormer bungalow.

A previous application for the two storey dwellinghouse was refused in April 2021 under reference 23909/FO/2019.

Consultations & Notification Responses

Local Residents – One letter of objection has been received, the comments are summarised as follows:

- The height of the building is out of character with the area.
- Insufficient car parking spaces are proposed.
- The construction process will lead to lots of disturbance.

West Didsbury Residents Association – This development fails to demonstrate sufficient effort to mitigate its potential impacts on flooding and water run off in a high risk area, to demonstrate true sustainability or to mitigate its carbon footprint. There is no tree survey or tree protection plan, no proposed replacement of lost trees and green infrastructure and trees have already been removed from the site perimeter. As the plans stand there is no biodiversity net gain from the development in an ecologically sensitive area adjacent to the Mersey Valley.

Neighbourhood Team Leader (Arboriculture) – No objection to the proposed development from an Arboricultural perspective subject to BS:5837 being strictly adhered to.

Flood Risk Management – The Flood Risk Assessment and proposed design must be revised to the satisfaction of the Environment Agency, with reference to their consultee response letter “SO/2022/122204/01-L01” dated 14 October 2022

Highway Services – Highway Services have made the following comments:

- Given that the proposed development will replace an existing residential dwelling, the number of vehicular trips associated with site is expected to be minimal. It is therefore accepted that the adjacent highway network can facilitate such additional demands with no highway safety or capacity concerns.
- There are 3 existing car parking spaces located within the site's curtilage. These three spaces will be retained as part of the development.
- Two EV charging places will be in place on the driveway. This is acceptable to Highways.

- In line with MCC Residential Guidelines, secure and sheltered cycle parking provision should be made, within the curtilage of the site.
- A bin store in place within the curtilage of the site. Bins will be taken to/from the bin store to the collection point on Palatine Road by residents on collection day. Highways consider this to be acceptable in order to prevent any obstruction to passing pedestrians on the adjacent footway.
- A Construction Management Plan should be provided by the applicant prior to any construction works beginning.

Environmental Health – Suggests the imposition of conditions designed to protect public health and residential amenity.

Environment Agency – The EA withdraw their initial objection on the proviso a condition regarding flood mitigation is attached to any consent granted.

Greater Manchester Police – The proposed development should be designed and constructed to Secured by Design standards.

Greater Manchester Ecology Unit – No objections to the proposal.

United Utilities Water PLC – National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. To a combined sewer.

UU recommends that the applicant considers their drainage plans in accordance with the drainage hierarchy outlined above.

Health and Safety Executive (HSE) – The HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Policies

The National Planning Policy Framework July 2021 (NPPF) – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Sections 5 (*Delivering a sufficient supply of homes*) states in paragraph 60 that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.

Paragraph 69 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.

Section 13 (*Protecting Green Belt land*), states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

It states in para 138 that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states further in paragraph 148 that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Core Strategy Development Plan Document – 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 been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below:

Policy SP1, *Spatial Principles* – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy H1, Overall Housing Provision – This policy states that the proportionate distribution of new housing, and the mix within each area, will depend on a number of factors and goes on to state that new residential development should take account of the need to:

- Contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing Manchester population;
- Reflect the spatial distribution set out above which supports growth on previously developed sites in sustainable locations and which takes account of
- the availability of developable sites in these areas;
- Contribute to the design principles of Manchester LDF including in environmental terms. The design and density of a scheme should contribute to the character of the local area. All proposals should make provision for appropriate usable amenity space. schemes should make provision for parking cars and bicycles (in line with policy T2) and the need for appropriate sound insulation;
- Prioritise sites which are in close proximity to centres of high frequency public transport routes;
- Be designed to give privacy to both its residents and neighbours.

Policy H6, *South Manchester* – South Manchester will accommodate around 5% of new residential development over the lifetime of the Core Strategy. High density development in South Manchester will generally only be appropriate within the district centres of Chorlton, Didsbury, Fallowfield, Levenshulme, and Withington, as part of mixed-use schemes. Outside the district centres priorities will be for housing which meets identified shortfalls, including family housing and provision that meets the needs of elderly people, with schemes adding to the stock of affordable housing.

Policy EN13, *Green Belt* – This policy states that there will be no amendments to the boundary of Green Belt apart from within the vicinity of Manchester Airport, in accordance with Core Strategy policy MA1. The application site is located within the boundaries of the green belt but it is not within the vicinity of Manchester Airport.

Policy EN14, *Flood Risk* – The policy requires that amongst all new development should minimise surface water run-off, including through Sustainable Drainage Systems (SUDS) and the appropriate use of Green Infrastructure.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of issues, in this instance the most relevant are considered as follows:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- 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.
- 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.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Flood risk and drainage.

The Manchester Green and Blue Infrastructure Strategy (G&BIS) – The G&BIS sets out objectives for environmental improvements within the City in relation to key objectives for growth and development.

Building on the investment to date in the city's green infrastructure and the understanding of its importance in helping to create a successful city, the vision for green and blue infrastructure in Manchester over the next 10 years is:

By 2025 high quality, well maintained green and blue spaces will be an integral part of all neighbourhoods. The city's communities will be living healthy, fulfilled lives, enjoying access to parks and greenspaces and safe green routes for walking, cycling and exercise throughout the city. Businesses will be investing in areas with a high environmental quality and attractive surroundings, enjoying access to a healthy, talented workforce. New funding models will be in place, ensuring progress achieved by 2025 can be sustained and provide the platform for ongoing investment in the years to follow.

Four objectives have been established to enable the vision to be achieved:

1. Improve the quality and function of existing green and blue infrastructure, to maximise the benefits it delivers
2. Use appropriate green and blue infrastructure as a key component of new developments to help create successful neighbourhoods and support the city's growth
3. Improve connectivity and accessibility to green and blue infrastructure within the city and beyond
4. Improve and promote a wider understanding and awareness of the benefits that green and blue infrastructure provides to residents, the economy and the local environment.

Manchester Residential Quality Guidance 2016 – Sets out the direction for the delivery of sustainable neighbourhoods of choice where people will want to live and also raise the quality of life across Manchester and was approved by the Executive at its meeting on 14 December 2016.

The ambitions of the City are articulated in many places, but none more succinctly than in the 'Manchester Strategy' (2016).

The guidance has been produced with the ambition, spirit and delivery of the Manchester Strategy at its heart. The delivery of high-quality, flexible housing will be fundamental to ensuring the sustainable growth of Manchester. To achieve the City's target of carbon neutrality by 2050, residential schemes will also need to be forward thinking in terms of incorporating the most appropriate and up to date technologies to significantly reduce emissions. It is therefore essential for applicants to consider and integrate the design principles contained within the draft guidance into all aspects of emerging residential schemes. In this respect, the guidance is relevant to all stages of the development process, including funding negotiations, the planning process, construction and through to operational management.

The guidance sets standards for securing high quality and sustainable residential development in Manchester. The document includes standards for internal space within new dwellings and is suitable for applications across all tenures. It adopts the nationally described space standards and this has been applied to an assessment of the size and quality of the proposed houses.

Guide to Development in Manchester Supplementary Planning Guidance – Recognises the importance of an area 's character in setting the context for new development; New development should add to and enhance the area's distinct sense of place; Each new development should be designed having full regard to its context and the character of the area; Seeks to ensure high quality development through good and inclusive design; Buildings should front onto streets; Site boundaries and treatment should contribute to the street scene; There should be a clear definition between public and private space; The impact of car parking areas should be minimised; New developments will be expected to meet designing out crime principles; The impact of development on the global environment should be reduced.

The scale, position and external appearance of new buildings should respect their setting and relationship to adjacent buildings, enhance the street scene and consider their impact on the roof line and skyline. Buildings should recognise the common building line created by the front face of adjacent buildings.

Issues

Principle of the Proposal – The application site is located outside the district centres of both Northenden and Didsbury and the applicant seeks to demolish the existing dwellinghouse and replace with a new dwellinghouse. Policy H6 states that housing developments in this part of south Manchester, i.e. outside of district centres, should meet identified shortfalls, including family housing, the principle of the proposal is considered acceptable.

It is noted that the site is within the Green Belt. The NPPF advises that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. However, there are exceptions to this, the most pertinent of which in this instance is:

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

Therefore, given Policy H6 and the guidance contained within the NPPF, it is considered that the principle of a replacement residential dwelling in this location is acceptable.

Notwithstanding the above, there are a number of detailed matters that also require consideration and these are set out below.

Disabled Access – Given the footprint of the proposed dwellinghouse, generous room sizes and circulation space would be provided. However, given the requirement to raise the floor levels for flood risk purposes level access is not proposed at this stage. Whilst this would normally be of concern, sufficient space exists to the front and rear of the property should there be a requirement to install access ramps in the future.

Space Standards – The City Council adopted the Manchester Residential Quality Guidance in December 2016 and within that document reference is made to the use of a combination of the Nationally Described Space Standards and the London Housing Design Guide space standards to form Manchester's space standards for residential developments.

As over 400m² of floor space is proposed and the policy requirement is for 110 to 128m² it is recognised that the proposal complies with Manchester's space standards.

Impact on the Green Belt – The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in *very special circumstances* and that *very special circumstances* will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations. It goes on to state that local planning authorities should regard the construction of new buildings as inappropriate in Green Belt, though it does outline a number of exceptions:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

As stated previously, category d) is considered of most relevance in this instance.

The applicant is proposing to erect a 2 storey dwellinghouse following the demolition of the existing bungalow. While the proposal would provide accommodation over two floors, the first floor is actually contained within the roof and from the front the proposal takes on the appearance of a bungalow with accommodation in the roof space. The existing bungalow is 7m high, while the proposal would be 8.3m high. However, it is considered that given the design and massing of the replacement property, this difference is not material enough to warrant refusal of the proposal.

In addition to the above, it is important to have consideration for the effects the proposed development would have on the visual openness of the Green Belt, including impacts on long distance views, visual links to the wider Green Belt and inter-visibility between settlements. As can be seen below, the site is surrounded on three side by dense mature landscaping, by trees

close to its front boundary and also, on the opposite side of Palatine Road, by a landscaped belt adjoining the access to Withington Golf Club. It is considered that this existing vegetation would successfully screen the proposal from views within the Green Belt.



In conclusion, it is considered that the proposed development is not contrary to Green Belt guidance and falls within the exceptions listed above for appropriate new build within the Green Belt. It has been demonstrated that the proposal would not reduce the visual openness of the wider Green Belt. Accordingly, it is considered that the proposal would not compromise the key purposes of Green Belt, namely retention of openness and the prevention of neighbouring towns merging into one another.

Design and Siting – The proposed dwelling would provide accommodation over two floors but to retain the appearance of a smaller property and to ensure the height of the proposal is similar to the existing bungalow, the first floor accommodation would be located within the roof as shown below:



The proposed dwelling is more traditional in design than the previously refused proposal, though a centre gable with full height glazing in the front elevation and two in the rear elevation adds a contemporary feel. Traditional materials of red brick and natural grey slate are proposed. Overall, the design of the proposal is considered acceptable.

In terms of the siting of the proposed dwelling, it would be no further forward than the existing property and as such the siting is considered acceptable.

Residential Amenity – A number of factors have been assessed in order to judge the impact of the proposal upon residential amenity:

Sunlight and Overshadowing – Due to the size of the proposed dwelling and the fact there nearest residential property, an apartment block, is 67 metres to the north of the site, it is not considered that the development would lead to the overshadowing of that property or a reduction in the levels of sunlight enjoyed in the associated private amenity area.

Impact upon Privacy – Due to the distances between the apartment building and the application site, as well as the intervening dense landscaping, it is not considered the proposed dwelling would have an impact on existing levels of privacy.

Noise – Given the anticipated domestic nature of any activity within the site, it is not considered that the proposal would be an inherently noise generating development.

In conclusion, it is not considered that the proposal would have a detrimental impact upon the levels of residential amenity enjoyed by the occupants of those properties closest to the application site.

Flood Risk – The applicant is proposing a host of flood mitigation measures to both protect the property (raising floor levels) and increase the capacity of the flood plain (increased by 141m³), along with incorporating voids into the property and the use of open fencing, both to allow water to pass freely through the site. The Environment Agency have confirmed that these measures are acceptable and have duly lifted their original objection to the proposal. However, this is on the proviso the applicant incorporates the flood mitigation measures, detailed in the revised Flood Risk Assessment, into the proposal.

Given the above, it is not considered that the proposal would have a detrimental impact on flood risk within the vicinity of the site.

Drainage – The condition suggested by the Environment Agency and United Utilities would be attached to any approval granted.

Trees – To facilitate the proposal the applicant is proposing to fell the following trees within the site:

- T6 – Category B, cypress
- T7 – Category C, maple
- G2 – Category U, 3x dead willow
- G4A – Category C, cypress with codominant stems
- G4B – Category C, cypress with codominant stems

In addition, the following trees outside of the site:

- T4 – Category U, willow
- T5 – Category B, sycamore
- G2 – Category U, 3x dead willow

Neighbourhood Team Leader (Arboriculture) has no objection to their removal subject to any trees works and redevelopment being undertaken in accordance with the relevant British Standard.

Given the condition and location of these trees, and the comments of Neighbourhood Team Leader (Arboriculture), there is no objection to their removal. However, it is important that a condition of the planning permission requires the submission of a landscaping scheme in order to ensure that sufficient landscaping and tree replacement is provided to create a setting for the new property.

Landscaping – Along with general soft landscaping for the development, more substantial tree planting is proposed in the form of a field maple, silver birch, 2 x hawthorn and a rowan. A condition (no. 14) is proposed which would require the submission of a detailed landscaping drawing.

Ecology – No evidence of bat activity was found at 246 Palatine Road, replicating the findings of the 2019 survey submitted for the development that was ultimately refused. The property is well-maintained and well-sealed, with no potential bat entry points located. The roof voids are small and sealed, with multiple cobwebs throughout. As a result of the survey, the property is considered to offer negligible bat roost suitability. No evidence of other protected species, such as nesting birds, was found within the building.

Given the findings of the survey it is not considered that the proposal would have a detrimental impact upon any known ecological features.

To enhance the biodiversity of the site a condition requiring the applicant to incorporate alternative habitats for bats and birds is suggested in this instance. In addition, a condition is to be imposed which would limit when vegetation can be cleared and an informative about bats is also suggested.

Air Quality – During the construction phase of the development there is the potential for air quality impacts as a result of dust emissions from the site. Assuming dust control measures are implemented as part of the proposed works, the significance of potential air quality impacts from dust generated by earthworks, construction and trackout activities is predicted to be negligible. It is considered that the imposition of a Construction Management Condition would ensure that appropriate dust management measures are implemented during the construction phase.

It is recognised that during the operational phase of the development there is the potential for air quality impacts as a result of vehicle exhaust emissions associated with traffic generated by the proposal, i.e. the comings and goings of residents and visitors to the site. However, as only one dwellinghouse is proposed, the overall significance of potential impacts is considered to be low.

As a result of the above, it is considered that the proposal would not have a detrimental impact upon the air quality levels experienced throughout the site and within the vicinity of it.

Pedestrian and Highway Safety – It is not considered that the replacement dwelling would generate such significant levels of traffic or concentrated traffic movements so as to prove detrimental to the levels of pedestrian and highway safety currently enjoyed along Palatine Road. Highway Services have confirmed that the level of proposed development is acceptable and have raised no highway safety or capacity concerns.

Car Parking – The level of car parking proposed, i.e. 3 spaces, is considered acceptable. An appropriately worded condition would ensure that the car parking is laid out before the property is occupied.

Electric Vehicle Charge Points – The applicant has indicated that two electric vehicle charging points would be provided at the front of the site. A condition requiring submission of the details of the charging units is suggested in this instance to ensure that they have the minimum 7kW charging capacity.

Environmental Standards – A condition is recommended relating to the submission of details of appropriate environmental standards and associated renewable energy features.

Crime Prevention – The proposal does not raise any crime prevention issues. A condition requiring the development to achieve *Secured by Design* accreditation is suggested in this instance.

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 and proactive manner to resolve any problems arising in relation to dealing with the planning application.

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:

The following drawings stamped as received on 4 April 2022:

- a) 545-06-101P LOCATION PLAN
- b) 545-06-102P SITE PLAN/BLOCK PLAN

The following documents stamped as received on 14 June 2022:

- c) Bat Survey (Rachel Hacking Ecology, April 2022)

The following documents stamped as received on 22 July 2022:

- d) Arboricultural Impact Assessment (Lally Tree Management)

The following drawing stamped as received on 18 November 2022:

- e) 545-06-230P SECTION A-A

The following documents stamped as received on 13 December 2022:

- f) Flood Risk Assessment (ref: FRA – 2022 – 000053)

The following drawings stamped as received on 8 March 2023:

- g) 545-06-202P REV A BLOCK PLAN
- h) 545-06-210P REV A GROUND FLOOR PLAN
- i) 545-06-211P REV A FIRST FLOOR PLAN
- j) 545-06-220P REV C ELEVATIONS - SHEET 1
- k) 545-06-221P REV C ELEVATIONS - SHEET 2

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.

3) No above ground works shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Manchester Core Strategy.

4) 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) no garages, outbuildings or extensions shall be erected other than those expressly authorised by this permission.

Reason - To ensure the satisfactory development of the site and in the interest of residential and visual amenity, pursuant to policy DM1 of the Manchester Core Strategy.

5) The residential use hereby approved shall be used only as a private dwelling (which description shall not include serviced properties or similar uses where sleeping accommodation (with or without other services) is provided by way of trade for money or money's worth and occupied by the same person for less than ninety consecutive nights) and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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 private residential purposes and to ensure the achievement of the public benefit identified pursuant to policies SP1, DM1, EN3, H1, H6 and H11 of the Manchester Core Strategy and the guidance contained within National Planning Policy Framework including section 16.

6) Prior to the commencement of above ground works, details of the measures to be incorporated into the development (or phase thereof) to demonstrate how Secured by Design accreditation will be achieved shall be submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a Secured by Design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Manchester Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

7) a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to commencement of the use hereby approved the scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

b) Prior to the operation of the scheme a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of nonconformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to Policy DM1 in the Manchester Core Strategy.

8) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and prior to occupation 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 in each phase 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 Policy DM1 in the Manchester Core Strategy.

9) Prior to the commencement of above ground works, a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health, pursuant to Policy DM1 in the Manchester Core Strategy.

10) The car parking hereby approved shall be laid out and made available prior to the occupation of the residential accommodation hereby approved.

Reason - In the interests of pedestrian and highways safety and to ensure the satisfactory development of the site, pursuant to Policy DM1 in the Manchester Core Strategy.

11) Above-ground construction works shall not commence until details of the electric vehicle charging units to be incorporated into the development, as indicated on drawing no. 545-06-202P Rev A (stamped as received on 8 March 2023), have been submitted to and approved by the City Council as Local Planning Authority. The approved charging point shall be installed prior to first occupation and retained thereafter.

Reason - To promote sustainable development and in the interests of residential amenity, pursuant to Policies DM1 and EN16 in the Manchester Core Strategy.

12) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Manchester Core Strategy.

13) No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with policy EN15 of the Manchester Core Strategy.

14) Prior to the commencement of above grounds works, a hard and soft landscaping treatment scheme, based on the mitigation proposed by the Arboricultural Impact Assessment (stamped as received on 22 July 2022), shall be submitted to and be approved by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the dwellinghouse is first occupied. 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 SP1, EN9 and DM1 of the Manchester Core Strategy.

15) Above grounds works shall not commence until details of biodiversity enhancements (bird boxes and bat bricks), including a timetable for their installation and maintenance regime, have been submitted to and been approved by the City Council as local planning authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with policy EN15 of the Manchester Core Strategy.

16) Prior to the commencement of above ground works an Environmental Standards Statement, which addresses sustainability ratings and the provision of renewable energy within the development, shall be submitted for approval in writing by the City Council, as Local Planning Authority. The development shall be carried out in accordance with those details.

Within 3 months of the completion of the construction of the authorised development a verification statement shall be submitted to and approved in writing, by the City Council as local planning authority, confirming the incorporation of the specified measures, including dated photographic documentary evidence of the implementation and completion of required works.

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4, EN6 and DM1 of the Manchester Core Strategy and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

17) Prior to the commencement of the development hereby approved, a surface water drainage layout for the site, based on sustainable drainage principles, shall be submitted to and be approved in writing by the City Council as Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason - To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to Policy EN17 of the Manchester Core Strategy.

18) The development shall be carried out in accordance with the submitted flood risk assessment (FRA - 2022 - 000053) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 30.34 metres above Ordnance Datum (AOD)
- Compensatory storage shall be provided in the form of 141m³.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons - To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, pursuant to Policy EN17 of the Manchester Core Strategy.

19) Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved by the Council. The Construction Management Plan shall contain the following:

- Details of Wheel Washing;
- Dust suppression measures;
- Compound locations where relevant;
- Location, removal and recycling of waste;
- Routing strategy and swept path analysis;
- Parking of construction vehicles and staff;
- Hours of working

The development shall be carried out in accordance with approved details.

Reason - To safeguard the amenities of the occupiers of nearby residential and commercial properties during the construction/demolition phase, pursuant to Policy DM1 in the Manchester Core Strategy.

Informatives

1) The applicant is reminded that under Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

Appendix 1 – List of consultees & neighbours notified

MCC Flood Risk Management
Environment Agency
Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police
United Utilities Water PLC
Environment Agency
Greater Manchester Ecology Unit
West Didsbury Residents Association
Neighbourhood Team Leader (Arboriculture)

Flat 48, Brookside, 242 Palatine Road, Manchester, M20 2UE
Flat 46, Brookside, 242 Palatine Road, Manchester, M20 2UE
Flat 43, Brookside, 242 Palatine Road, Manchester, M20 2UE
Flat 41, Brookside, 242 Palatine Road, Manchester, M20 2UE
Flat 38, Brookside, 242 Palatine Road, Manchester, M20 2UE
Flat 36, Brookside, 242 Palatine Road, Manchester, M20 2UE
Flat 33, Brookside, 242 Palatine Road, Manchester, M20 2UE
Flat 31, Brookside, 242 Palatine Road, Manchester, M20 2UE
Flat 28, Brookside, 242 Palatine Road, Manchester, M20 2UE
Flat 26, Brookside, 242 Palatine Road, Manchester, M20 2UE
Flat 23, Brookside, 242 Palatine Road, Manchester, M20 2UE
Flat 21, Brookside, 242 Palatine Road, Manchester, M20 2UE
Flat 18, Brookside, 242 Palatine Road, Manchester, M20 2UE
Flat 16, Brookside, 242 Palatine Road, Manchester, M20 2UE
Flat 13, Brookside, 242 Palatine Road, Manchester, M20 2UE

Flat 11, Brookside, 242 Palatine Road, Manchester, M20 2UE
Flat 8, Brookside, 242 Palatine Road, Manchester, M20 2UE
Brookside, 242 Palatine Road, Manchester, M20 2UE
Withington Golf Club, 243 Palatine Road, Manchester, M20 2UE
Flat 47, Brookside, 242 Palatine Road, Manchester, M20 2UE
Flat 45, Brookside, 242 Palatine Road, Manchester, M20 2UE
Flat 44, Brookside, 242 Palatine Road, Manchester, M20 2UE
Flat 42, Brookside, 242 Palatine Road, Manchester, M20 2UE
Flat 40, Brookside, 242 Palatine Road, Manchester, M20 2UE
Flat 39, Brookside, 242 Palatine Road, Manchester, M20 2UE
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Flat 9, Brookside, 242 Palatine Road, Manchester, M20 2UE
Flat 7, Brookside, 242 Palatine Road, Manchester, M20 2UE
Flat 6, Brookside, 242 Palatine Road, Manchester, M20 2UE
Flat 5, Brookside, 242 Palatine Road, Manchester, M20 2UE
Flat 4, Brookside, 242 Palatine Road, Manchester, M20 2UE
Flat 3, Brookside, 242 Palatine Road, Manchester, M20 2UE
Flat 2, Brookside, 242 Palatine Road, Manchester, M20 2UE
Flat 1, Brookside, 242 Palatine Road, Manchester, M20 2UE
Britannia Country House Hotel, Palatine Rd, Didsbury, Manchester M20 2WG

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
Flood Zones Type 2 (low to medium risk) -
Flood Zones Type 3 (high risk) -
Green Belt Land - Green Belt Area (LDF)
Green Belt Land - Greater Manchester Green Belt Local Plan 1984
Area Team Boundary - Name: SOUTH