

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136961/FO/2023
Date registered valid: 12 May 2023
Proposal: Removal of existing rear chimney stack and pots.,
Address: 144 Withington Road, Manchester, M16 8FB
Ward(s): Whalley Range Ward

Applicant: Tracey Foster Arawak Walton Housing Association
Agent (if any): Mrs Leanne Beirne Bernard Taylor Partnership Ltd
Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 4 July 2023

Application details

Type of application: Full Application Consent
Development type: Minor Other
Date of site visit: 9 June 2023

Standard consultations:
Printed: 31 May 2023 Expired: 21 June 2023

Neighbour notifications
Printed: 31 May 2023 Expired: 21 June 2023

Site notice
Posted: 9 June 2023 Expired: 30 June 2023

Press advert
Published: 6 June 2023 Expired: 20 June 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

144 Withington Road is a 3 storey semi-detached residential building located within the Whalley Range Conservation Area. It was originally a single Edwardian dwelling but planning permission to convert it into five self-contained flat was granted in 1976. The area is predominantly residential in nature.

Listed building:	No
Conservation area:	Whalley Range Conservation Area 1992
Tree Preservation Order:	No

Description of development

Removal of existing rear chimney stack and pots.

Consultations & Notification Responses

Local Residents – No comments received.

Whalley Range Conservation Society – No comments received.

Whalley Range Forum – No comments received.

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.

In addition to the above, Section 16 (*Conserving and enhancing the historic environment*) is of relevance:

Paragraph 197 in Section 16 states that in determining planning 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 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 207 states that not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 200 or less than substantial harm under paragraph 201, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.

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 EN 3, *Heritage* – Throughout the City, 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.

Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

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

- 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.
- Effects on amenity.
- Effects relating to biodiversity, landscape, archaeological or built heritage.

Saved UDP Policies – Policy DC18 is considered of relevance in this instance:

Policy DC18, *Conservation Areas* – Policy DC18.1 states that the Council will give particularly careful consideration to development proposals within Conservation Areas by taking into consideration the following:

- a) The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:
 - i. the relationship of new structures to neighbouring buildings and spaces;
 - ii. the effect of major changes to the appearance of existing buildings;
 - iii. the desirability of retaining existing features, such as boundary walls, gardens, trees, (including
 - iv. street trees);
 - v. the effect of signs and advertisements;
 - vi. any further guidance on specific areas which has been approved by the Council.
- b) The Council will not normally grant outline planning permission for development within Conservation Areas.
- c) Consent to demolish a building in a conservation area will be granted only where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, or where its removal or replacement would benefit the appearance or character of the area.
- d) Where demolition is to be followed by redevelopment, demolition will be permitted only where there are approved detailed plans for that redevelopment and where the Council has been furnished with evidence that the development will be undertaken.
- e) Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas.

Issues

Principle of the Proposal – The applicant, Arawak Housing Association, has confirmed that the property is suffering from water ingress as a result of structural problems with the rear chimney stack (circled red below). To overcome this issue they are proposing to remove the chimney stack and make good the roof with matching materials.

There is no objection in principle to removing this particular chimney stack as it is located at the rear of the building and the semi-detached property to the north (no. 142 Withington Road) has previously removed their stack (circled green).



Notwithstanding this, the impact of the proposal upon the character of the Whalley Range Conservation Area must be assessed.

Impact on the Whalley Range Conservation Area – Whalley Range conservation area is situated approximately two miles south of Manchester city centre. Much of the area, which is predominantly residential, is contained within 63 acres of flat land purchased for building in 1832 by a prominent banker, Samuel Brooks. The layout of Whalley Range as established by Samuel Brooks survives today as an area of large houses on tree-lined avenues. Many of the original houses remain, with new development taking place on the site of demolished houses and on the site of plots left vacant during the initial stages of the area's development.

The rear chimney stack is not highly visible from the highway, being obscured by the existing tree coverage and existing roof structures. The more prominent chimney stack (circled yellow), which is located on the side elevation of the property is more visible and forms an important element of the roof design. This is to be retained.

Given the location of the chimney stack, it is not considered that its removal would have a detrimental impact upon the overall character of the Whalley Range Conservation Area.

Residential and Visual Amenity – Given the nature of the proposal, it is not considered that it would have a detrimental impact upon the existing levels of residential and visual amenity enjoyed within the vicinity of the site.

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 stamped as received on 12 May 2023:

- a) Location Plan
- b) Drawing nos. 4254 S2 110, 111, 112 and 113

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) The materials to be used to make good the roof following removal of the chimney stack shall match those in existence in colour, size and texture.

Reason - In the interests of visual amenity, pursuant to Policy DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Rusholme, Fallowfield & Moss Side Civic Society
Apartment 9, 152 Withington Road, Manchester, M16 8FB
Apartment 7, 152 Withington Road, Manchester, M16 8FB
Apartment 4, 152 Withington Road, Manchester, M16 8FB
Apartment 17, 152 Withington Road, Manchester, M16 8FB
Apartment 15, 152 Withington Road, Manchester, M16 8FB
Apartment 12, 152 Withington Road, Manchester, M16 8FB
Apartment 10, 152 Withington Road, Manchester, M16 8FB
Flat 9, 142 Withington Road, Manchester, M16 8FB
Flat 6, 142 Withington Road, Manchester, M16 8FB
Flat 4, 142 Withington Road, Manchester, M16 8FB
Flat 1, 142 Withington Road, Manchester, M16 8FB
Flat 15, Marcus Garvey Court, 147 - 151 Withington Road, Manchester, M16 8FD
Flat 11, Marcus Garvey Court, 147 - 151 Withington Road, Manchester, M16 8FD
Flat 9, Marcus Garvey Court, 147 - 151 Withington Road, Manchester, M16 8FD
Flat 7, Marcus Garvey Court, 147 - 151 Withington Road, Manchester, M16 8FD
Flat 3, 144 Withington Road, Manchester, M16 8FB
Flat 6, 144 Withington Road, Manchester, M16 8FB
Flat 5, 144 Withington Road, Manchester, M16 8FB
Apartment 8, 152 Withington Road, Manchester, M16 8FB
Apartment 6, 152 Withington Road, Manchester, M16 8FB
Apartment 5, 152 Withington Road, Manchester, M16 8FB
Apartment 3, 152 Withington Road, Manchester, M16 8FB
Apartment 2, 152 Withington Road, Manchester, M16 8FB
Apartment 16, 152 Withington Road, Manchester, M16 8FB
Apartment 14, 152 Withington Road, Manchester, M16 8FB
Apartment 13, 152 Withington Road, Manchester, M16 8FB
Apartment 11, 152 Withington Road, Manchester, M16 8FB
Apartment 1, 152 Withington Road, Manchester, M16 8FB
Marcus Garvey Court, 147 - 151 Withington Road, Manchester, M16 8FD
Flat 8, 142 Withington Road, Manchester, M16 8FB
Flat 7, 142 Withington Road, Manchester, M16 8FB
Flat 5, 142 Withington Road, Manchester, M16 8FB
Flat 3, 142 Withington Road, Manchester, M16 8FB
Flat 2, 142 Withington Road, Manchester, M16 8FB
Flat 8, Marcus Garvey Court, 147 - 151 Withington Road, Manchester, M16 8FD
Flat 6, Marcus Garvey Court, 147 - 151 Withington Road, Manchester, M16 8FD
Flat 5, Marcus Garvey Court, 147 - 151 Withington Road, Manchester, M16 8FD
Flat 4, Marcus Garvey Court, 147 - 151 Withington Road, Manchester, M16 8FD
Flat 3, Marcus Garvey Court, 147 - 151 Withington Road, Manchester, M16 8FD
Flat 2, Marcus Garvey Court, 147 - 151 Withington Road, Manchester, M16 8FD
Flat 1, Marcus Garvey Court, 147 - 151 Withington Road, Manchester, M16 8FD
Flat 4, 144 Withington Road, Manchester, M16 8FB
Flat 2, 144 Withington Road, Manchester, M16 8FB
Flat 1, 144 Withington Road, Manchester, M16 8FB
8 Filey Avenue, Manchester, M16 8DW

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 - Whalley Range Conservation Area 1992

Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA