MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	136841/JO/2023
Date registered valid:	28 April 2023
Proposal:	Application to vary condition nos. 2 (approved drawings) and 3 (materials) attached to planning permission 127064/FH/2020 to allow for amendments to the design of the proposal
Address:	27A Circular Road, Manchester, M20 3LB
Ward(s):	Didsbury West Ward
Applicant:	Jennifer Batchelor & Andrew Hughlock
Agent (if any):	Mr Gavin Watts, Define Architects
Case officer:	Joshua Lee Tel: 0161 219 2851 Email: joshua.lee@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**31/07/2023**

Application details

Type of application: Variation of Condition

Development type: Householder

Date of site visit: 17/05/2023

Standard consultations:
Printed: 12 May 2023 Expired: 2 June 2023

Neighbour notifications
Printed: 12 May 2023 Expired: 2 June 2023

Site notice
Posted: 17 May 2023 Expired: 18 June 2023

Press advert
Published: 23 May 2023 Expired: 18 June 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building:

Proposal relates to a detached single storey, three-bedroom dwellinghouse with detached double garage and ancillary office space. The property has vehicle access to Circular Road. The dwelling house is newly constructed as a back land property (Permission granted 125390/FO/2019, March 2020).

Listed building: Not applicable

Conservation area: Borders Ballbrook Conservation Area 1992

Tree Preservation Order: Not applicable

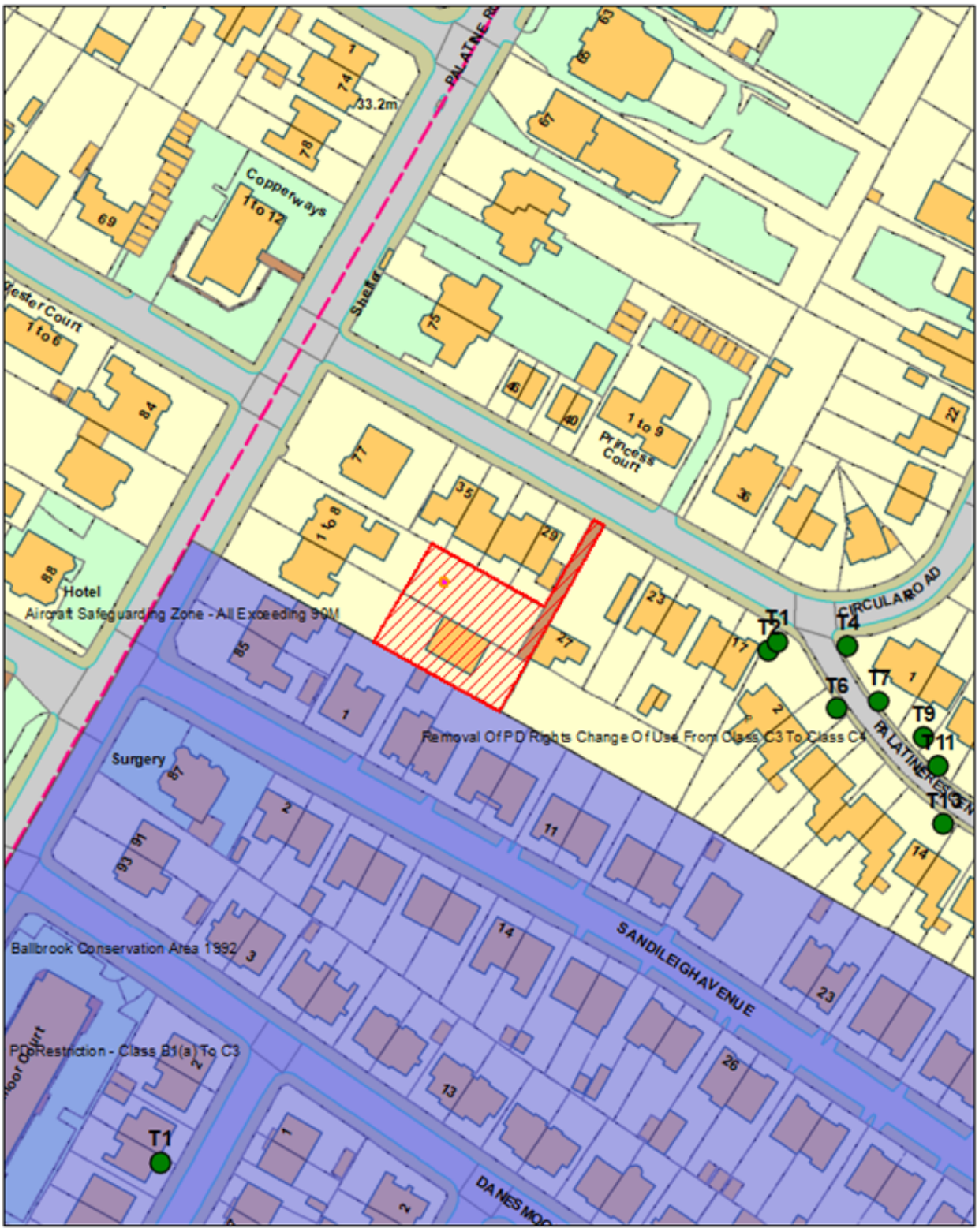


Figure 1. Current property and material in situ

Description of area

Proposal is in a predominately residential part of Didsbury West Ward. The proposal sits on the border of the Ballbrook Conservation Area.

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Description of development

Application to vary condition nos. 2 (approved drawings) and 3 (materials) attached to planning permission 127064/FH/2020 to allow for amendments to the design of the proposal.

Proposal related to the original permission for the property and a change of use of the materials used within the original plans.

"*Alteration to the application to amend the proposed materials of the external facades of the building. The previously specified material after installation has been deemed inappropriate for its construction, resulting in water egress on both external walls and roof application due to poor workmanship and suitability of materials on application. Issues with concealed gutters has resulted in further water ingress and therefore replacing these with face fixed rainwater goods. Visually the revised material palette is more suited to the area and is welcomed by the neighbouring properties, visually enhancing the scheme whilst improving the construction of the building."*

The variation of condition specifically requests the Replacement of drawing 2018 003 Revision B to be replaced with drawing 2018 003 Revision C and material condition sign off to approve the new external material palette.

The applicant is seeking the change of material of the main facade from a grey hung tile to 45mm x 20mm Vertical Timber Cedar Cladding.

The applicant is seeking the change of material on the roof from tile to Dark Grey Aluminium Roof Cladding.

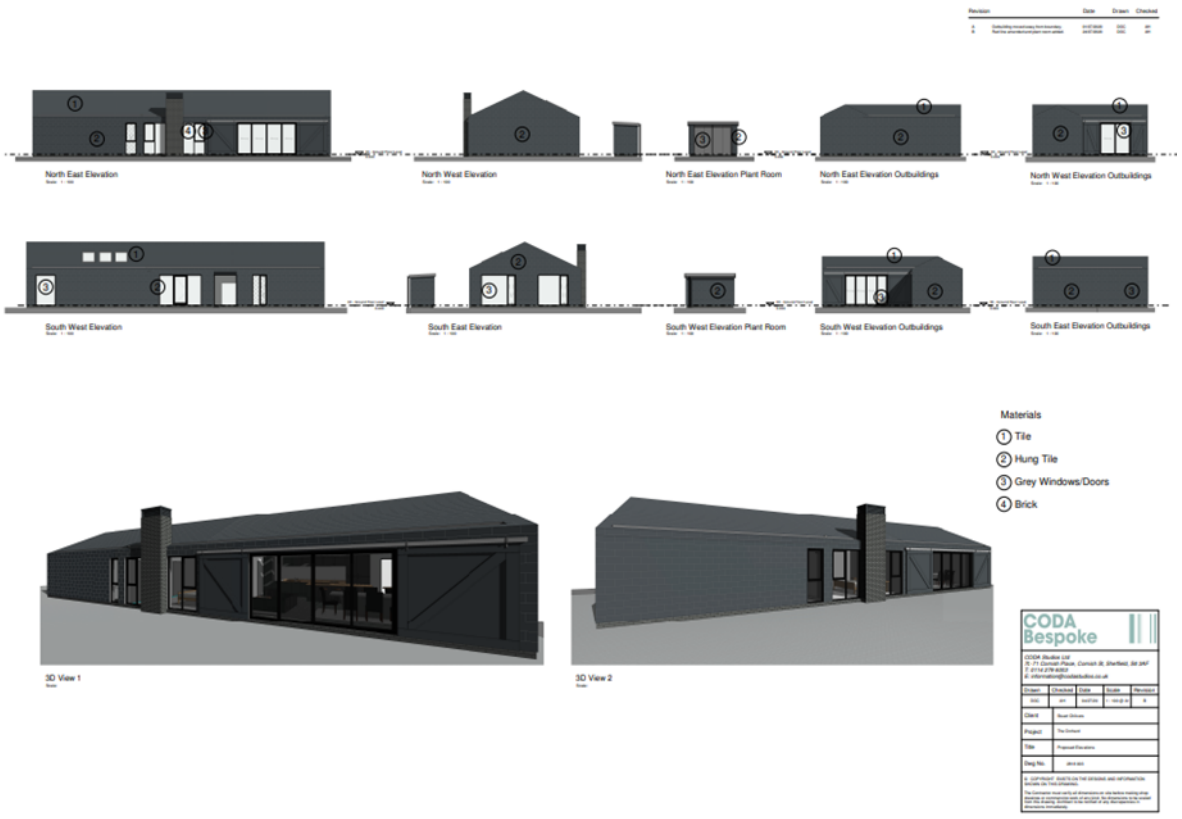


Figure 2. Plans as approved in 127064/FH/2020 with existing materials.

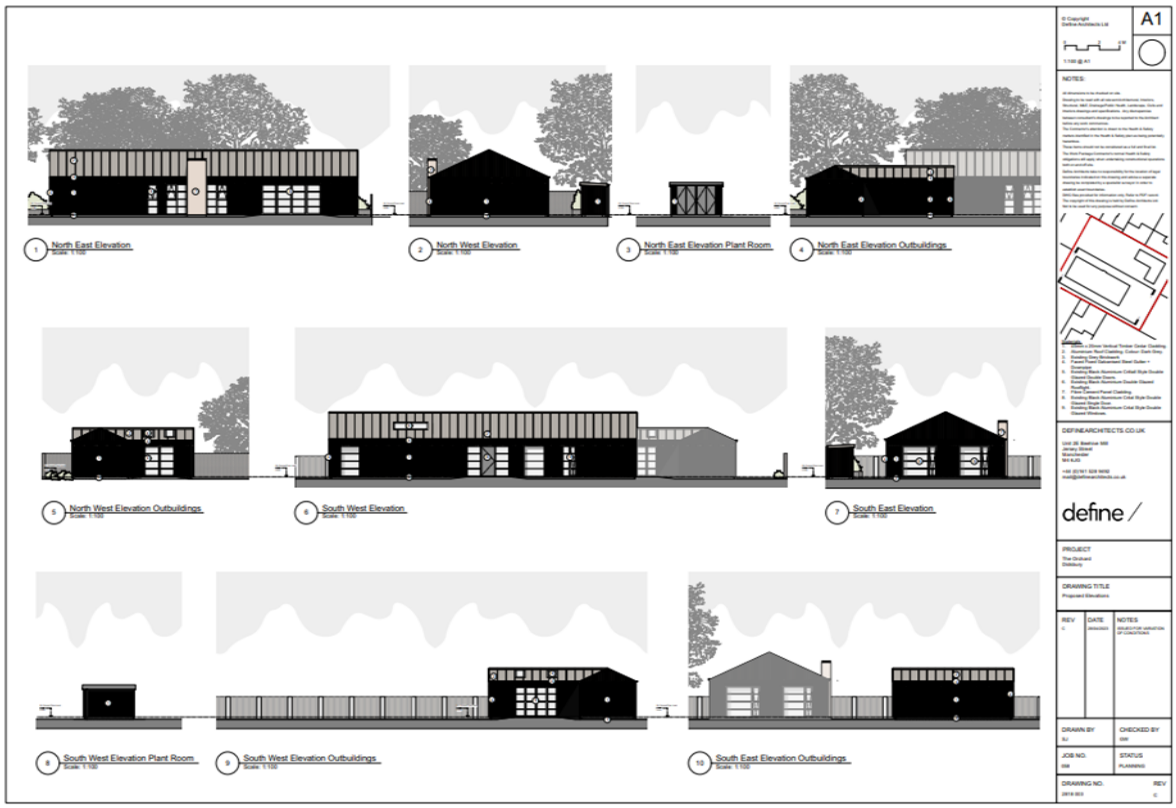


Figure 3. Proposed Elevations with new materials.



Figure 4. Existing material proposed to be replaced.

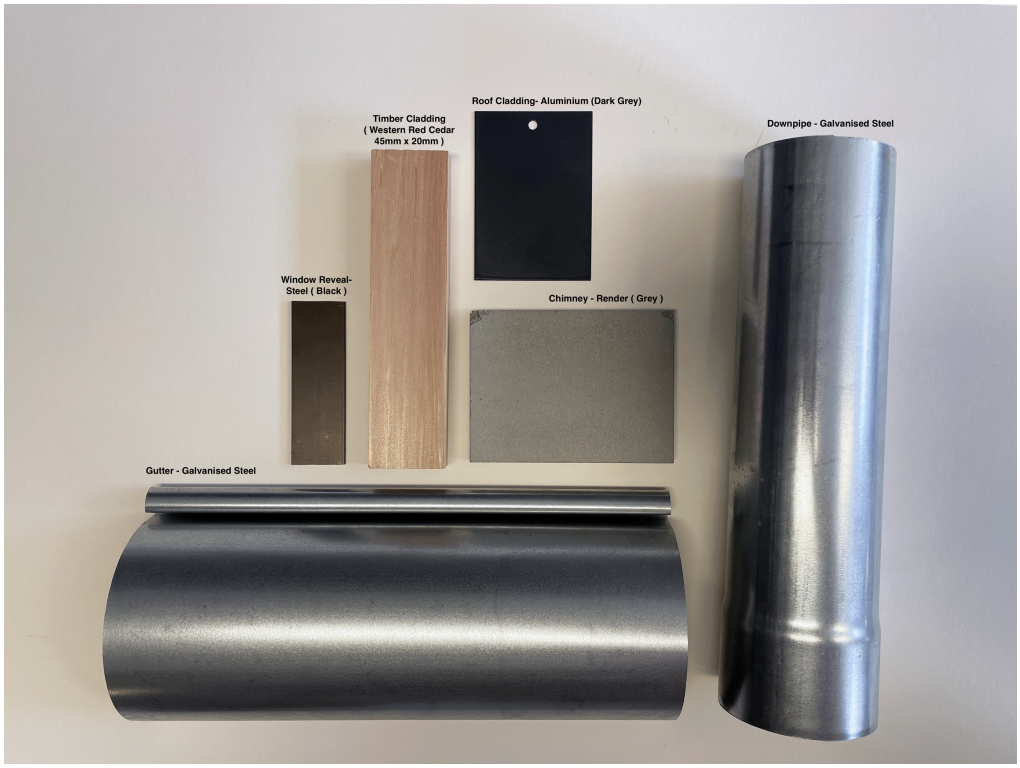


Figure 5. Photo of new materials

Planning History

127064/FH/2020

Erection of single storey extension to form additional living accommodation, associated elevational alterations together with the erection of detached outbuilding.
Decision: Approved 20/08/2020

This variation of condition relates to permission 127064/FH/2020

125390/FO/2019

Erection of a detached single storey, three-bedroom dwellinghouse with detached double garage and ancillary office space with associated landscaping following demolition of existing dwellinghouse.
Decision: Approved 03/03/2020

Consultations & Notification Responses

Residents

As per Appendix 1, Occupiers of properties surrounding the application site were notified of the proposal.

No comments, objections, or representations in respect of this application was received

Residents Associations and Groups

As per Appendix 1, Ballbrook Conservation Area Group were notified of the proposal.

No comments, objections, or representations in respect of this application was received.

Site Notice and Press Advertisements

As per Appendix 1, a site notice was posted, and advertisement placed in the Manchester Evening News.

No comments, objections, or representations in respect of this application was received.

Negotiations

Issues have arisen in the consultation phase.

After further communication with the applicant, it was agreed that the finish on the roof should be of tiled effect to fit within the current material palette and to preserve the views of the adjacent conservation area.

Officers and the applicant negotiated a scheme which met this principle.

Updated scheme

The updated scheme features a similar palette with the aluminium roof finish being replaced with a grey slate tile.

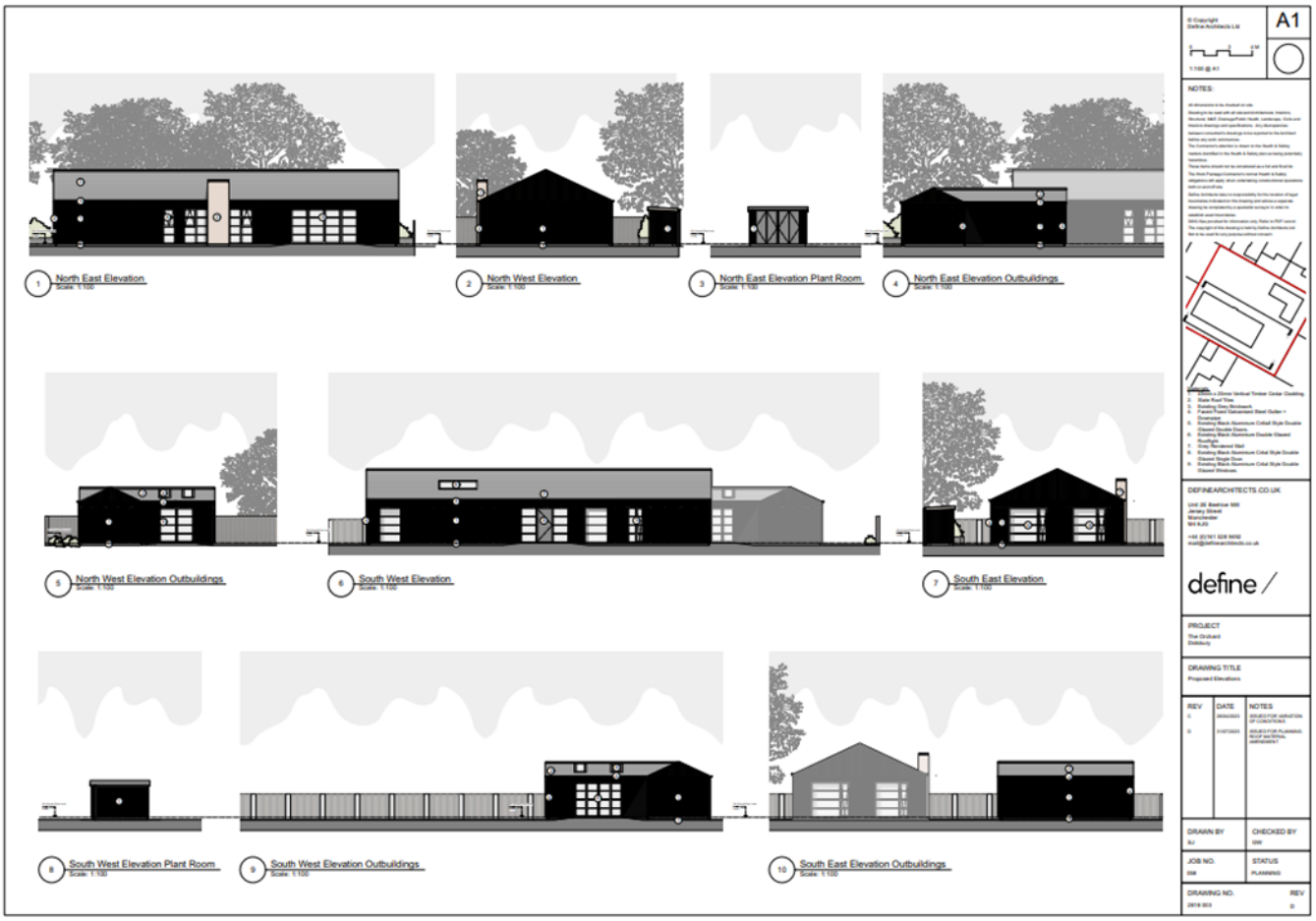


Figure 6. Updated elevations

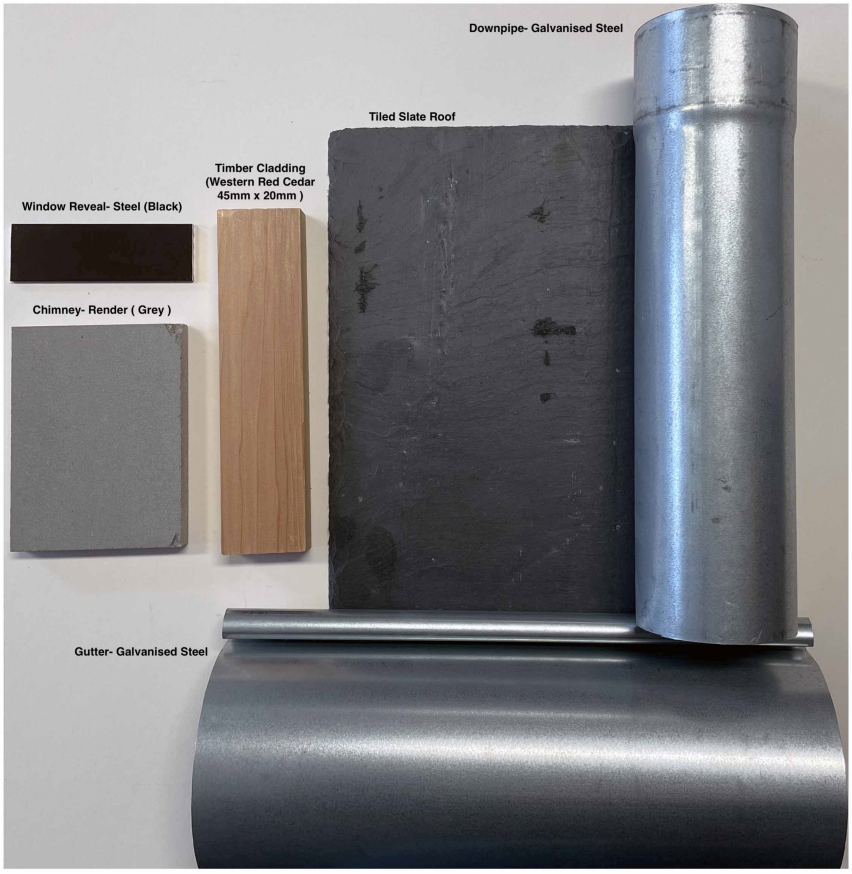


Figure 7. Updated materials palette

Policies & Principle

Relevant Policy

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The following policies are considered relevant in the consideration of this application.

- The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012 and is the key document in the Manchester Local Plan. It sets the out the long-term strategic policies for Manchester's future development and forms the framework that planning applications are assessed against. The following Core Strategy Policies are considered relevant to this proposal:
    - Policy DM 1 - Development Management
    - Policy SP 1 - Spatial Principles

    - Policy EN 1 - Design Principles and Strategic Character Areas
    - Policy EN 3 – Heritage
    - Policy EN 8 – Adaptation to Climate Change
    - Policy EN 16 - Air Quality
    - Policy EN 18 - Contaminated Land and Ground Stability
    - Policy EN 19 - Waste
- Extant Unitary Development Plan Policies (UDP) - The Core Strategy replaced much of the UDP, but some UDP Development Control policies are extant (remain). The following extant policy are still considered relevant to this proposal.
    - Policy DC6 for Housing on "back land" sites
    - Policy DC 18 for Conservation Areas
    - Policy DC26 for Development and Noise
- The National Planning Policy Framework (The NPPF) - The National Planning Policy Framework (NPPF) was first published on 27 March 2012 and updated on 24 July 2018, 19 February 2019, and 20 July 2021. This sets out the government's planning policies for England and how these are expected to be applied. The following sections are considered relevant to this proposal:
    - Section 4 – Decision-making
    - Section 12 – Achieving well-designed places
    - Section 16 - Conserving and enhancing the historic environment

For reasons to be outlined below, it is considered the proposal accords with the principles of these policies.

Principle

In this instance the principle of the proposal is considered acceptable, and it is not believed that there are any factors of sufficient weight in amenity terms that would warrant refusal of the application.

On balance, the proposed development is deemed to accord with all relevant policy of the Manchester Core Strategy, Extant UDP and the NPPF.

Manchester Core Strategy Policy DM 1 – Development Management

All new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents.

The proposal has been assessed against the following issues:

Appropriate siting, layout, scale, form, massing, materials, and detail

The applicant is seeking the variation of condition to alter the material for the external façade of the building.

The proposed material is 45mm x 20mm Vertical Timber Cedar Cladding and Grey slate roof tile.

The variation changes the external finish of the building however the siting, layout, scale, and massing remains the same.

The proposal is in accordance with this development management principle.

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.

The proposal varies the external façade.

The new material choices are deemed to be more in keeping with the local character of the area especially when considering the proximity of the development to the adjacent conservation area.

Visual impacts in connection with the proposed development are not considered to have any significant impacts to the character of the area, and therefore the appearance is acceptable.

The proposal does not affect the scale of the development.

The proposal is in accordance with this development management principle.

Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation.

As discussed above the proposal has minimal effect on privacy given the existing boundary treatment together with the gap to the shared boundary.

The proposal is expected to have a negligible effect on Air Quality.

The proposal has no effect on road safety and traffic generation and is therefore in accordance with this development management principle.

The proposal in of itself has a negligible effect on local noise levels. It is recognised that demolition and/or construction works are often noisy and obtrusive to the local residential amenity. Contractors are expected to follow best practice to minimise the temporary effect on residents referring to construction guidance on controlling emissions.

On balance the proposal has minimal effect on privacy, local light, noise, vibration, air quality, odours, litter, vermin, and birds and is therefore in accordance this development management principle.

Adequacy of internal accommodation and external amenity space.

The proposal does not alter the internal accommodation or external amenity space.

Refuse storage and collection.

The proposal has no effect on the existing refuse storage and collection at the property.

Vehicular access and car parking

The proposal has no effect on the existing vehicle access and car parking at the property.

Effects relating to biodiversity, landscape, archaeological or built heritage

No ground contamination, groundwater contamination and/or ground gas relevant to the site or ground stability issues have been identified.

The proposal is on the border of the Ballbrook Conservation Area.

Ballbrook Conservation area is situated approximately four miles south of Manchester city centre.

The material change has a minimal effect on the Conservation Area and the material finishes are in keeping with local buildings and street scene.

The harm to the conservation area and local heritage assets would be less than substantial (as set out in the NPPF Section 16)

On balance the proposal has negligible effect on local biodiversity, landscape, archaeological or built heritage and is therefore in accordance with this development management principle.

Flood risk and drainage.

The site does not sit in a flood risk area and therefore no flood statement or assessment was required.

The proposal has a negligible impact on drainage using the existing drainage on site.

Part of the applicants reasoning for a new material is due to water ingress issues. The change in material should contribute to better drainage management on site.

The proposal is therefore in accordance with this development management principle.

Manchester Core Strategy Policy SP 1 - Spatial Principles

The policy outlines the guiding spatial principles and core development principles of Manchester City Council.

Most notably the core development principles highlight development should ‘make a positive contribution to neighbourhoods of choice’.

This proposal is considered to accord with the principles of this policy.

Manchester Core Strategy Policy EN 1 – Design Principles and Strategic Character Areas

This policy outlines key design principles for development in Manchester most notably that all development in Manchester will be expected to follow the seven principles of urban Design.

This proposal sits within the ‘Southern Character Area’. The key principles for this area are:

This proposal is considered to accord with the principles of this policy.

Manchester Core Strategy Policy EN 3 – Heritage

This policy outlines the key principles concerning Heritage and development management.

The development is considered to accord with the aspirations of this policy.

Manchester Core Strategy Policy EN 8 – Adaption to Climate Change

This policy outlines the key principles of how all new development will be expected to be adaptable to climate change.

The development is considered to accord with the aspirations of this policy.

Manchester Core Strategy Policy EN 16 – Air Quality

This policy sets out the key principles of air quality management in the city. The policy seeks to improve the air quality within Manchester, and particularly within Air Quality Management Areas, located along Manchester’s principal traffic routes and at Manchester Airport.

The proposed development would not give rise to air quality issues when the development is operational.

This proposal is considered to accord with the principles of this policy.

Manchester Core Strategy Policy EN 18 - Contaminated Land and Ground Stability

Policy EN 18 of the Core Strategy set out the principle of development on contaminated land or unstable land.

No ground contamination, groundwater contamination and/or ground gas relevant to the site or ground stability issues have been identified.

This proposal is considered to accord with the principles of this policy.

Manchester Core Strategy Policy EN 19 - Waste

This policy sets out the key principle of waste management in the city. In a district such as Manchester with a significant existing population and a vision for a growing economy and population a key issue is that of ensuring that this does not automatically lead to a proportionate increase in waste arisings.

Existing waste management arrangements would be retained.

The proposal is considered to accord with the principles of this policy.

Extant Unitary Development Policies (UDP)

The Core Strategy replaced much of the UDP, but some UDP policies are extant (remain) and are relevant to this proposal.

Policy DC6. Housing on “back land” sites

This policy sets out the tests required to allow housing development on back land sites.

This proposal is considered to accord with the principles of this policy.

Policy DC18. Conservation Areas

This policy outlines the key issues when considering the development proposals within Conservation Area.

This proposal is considered to accord with the principles of this policy.

Policy DC26. Development and Noise

This policy outlines the key issues to reduce the impact of noise on people living and working in, or visiting, the City

This proposal is considered to accord with the principles of this policy.

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework sets out the government's planning policies for England and how these are expected to be applied.

The NPPF has been adhered to and considered at all stages of the application.

Section 4. Decision-making

Section 4 of the NPPF outlines how local planning authorities should approach decisions on proposed development in a positive and creative way.

Section 4 of the NPPF has been adhered to and considered at all stages of the proposal.

Section 12. Achieving well-designed places

Section 12 of the NPPF outlines the need to achieve well-designed places.

Section 16. Conserving and enhancing the historic environment

Section 16 of the NPPF outlines the development management regarding heritage assets.

Section 16 Para 199 onwards – 'Considering potential impacts' – outlines 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.

This proposal is considered to accord with the principles of these policies.

Other Material Considerations

Other material considerations & policy may be relevant to the proposal as follows:

- Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (April 2007)
- Manchester Residential Quality Guide (July 2016) (MRQG)
- Manchester, Salford, and Trafford Strategic Flood Risk Assessment
- Manchester City Council Highways Developer Design Guidance – Sustainable Drainage Systems
- Manchester City Council Planning and Noise Technical Guidance (2022)
- Air Quality & Planning Technical Guidance (2022)
- Planning and Contaminated Land Technical Guidance (2021)
- Greater Manchester Joint Waste Development Plan Document (GMJWDPD)
- Waste Storage and Collection Guidance for New Developments (2017)
- Hot Food Takeaway Supplementary Planning Document (2017)
- Manchester City Council Houses in Multiple Occupation Guidance and Amenity Standards (2020)
- Manual for Streets (2007)
- National design guide & National Model Design Code (2021)

Relevant policy and guidance have been considered within Policy DM 1 of the Core Strategy.

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 polices 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.

Conclusion

The proposal is considered acceptable in this location, in terms of design, scale and massing, allowing the occupiers to adapt their home to meet their needs, without unduly detrimentally affecting the amenities of the occupiers of surrounding properties, or the character and

appearance of the surrounding street scene, and there are no material considerations of sufficient weight to indicate otherwise. For the above reasons, the proposal is unlikely to have any detrimental impact and therefore accords with the relevant Core Strategy, Extant UDP, NPPF policies and other material considerations.

Recommendation: Approve

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. Minor issues have arisen during the consideration of this application and the officer negotiated with the applicant and consultees to reach a satisfactory resolution.

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

1. **Time limit**

   The development must be begun not later than the 20 August 2024.

   Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. **Specified plans**

   The development hereby approved shall be carried out in accordance with the following drawings and documents:

   a. Drawing – Proposed, ELEVATIONS, 2818 003, as received 31/07/2023
   b. Photo - 058_Amended proposed materials, as received 31/07/2023

   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. **Specified materials**

The materials to be used on the external surfaces hereby permitted shall match those as specified on the Drawing and documents

a. Drawing – Proposed, ELEVATIONS, 2818 003, as received 31/07/2023
b. Photo - 058_Amended proposed materials, as received 31/07/2023

Reason - To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the structure, pursuant to policy DM1 of the Manchester Core Strategy

4. Restriction

The outbuilding as approved under application 127064/FH/2020 which this application varies (show on drawing A1277(02)AP001 REV G and A1277(02)AP004 REV G stamped as received by the City Council as Local Planning Authority on the 16.11.2020) shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 27a Circular Road.

Reason: To ensure the proposed use remains ancillary to the principle use on the site. In the interest of residential amenity, in accordance with the policies DM1 and SP1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Ballbrook Conservation Area Group

Basement Flat, 81 Palatine Road, Manchester, M20 3LJ
Second Floor Flat, 81 Palatine Road, Manchester, M20 3LJ
81 Palatine Road, Manchester, M20 3LJ
Ground Floor Flat, 81 Palatine Road, Manchester, M20 3LJ
First Floor Flat, 81 Palatine Road, Manchester, M20 3LJ
The Cottage Rear Of, 79 Palatine Road, Manchester, M20 3LJ
Flat 6, 79 Palatine Road, Manchester, M20 3LJ
Flat 3, 79 Palatine Road, Manchester, M20 3LJ
31 Circular Road, Manchester, M20 3LB

Flat 3, 7 Sandileigh Avenue, Manchester, M20 3LN
Flat 8, 79 Palatine Road, Manchester, M20 3LJ
79 Palatine Road, Manchester, M20 3LJ
7 Sandileigh Avenue, Manchester, M20 3LN
Flat 5, 79 Palatine Road, Manchester, M20 3LJ
Flat 4, 79 Palatine Road, Manchester, M20 3LJ
Flat 2, 79 Palatine Road, Manchester, M20 3LJ
Flat 1, 79 Palatine Road, Manchester, M20 3LJ
35 Circular Road, Manchester, M20 3LB
33 Circular Road, Manchester, M20 3LB
29 Circular Road, Manchester, M20 3LB
27 Circular Road, Manchester, M20 3LB
Flat 4, 7 Sandileigh Avenue, Manchester, M20 3LN
Flat 2, 7 Sandileigh Avenue, Manchester, M20 3LN
Flat 1, 7 Sandileigh Avenue, Manchester, M20 3LN
5 Sandileigh Avenue, Manchester, M20 3LN
3 Sandileigh Avenue, Manchester, M20 3LN
1 Sandileigh Avenue, Manchester, M20 3LN

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