

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137231/FO/2023
Date registered valid: 30 June 2023
Proposal: Erection of a single storey storage building following demolition of existing structure
Address: 433 Wilmslow Road, Manchester, M20 4AF
Ward(s): Withington Ward

Applicant: Mr Peter Yim, SAM Properties Ltd
Agent (if any): Mr Ming Lee, Lee Architects Ltd
Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 10 August 2023



Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 19 July 2023

Standard consultations:

Printed: 13 July 2023 Expired: 3 August 2023

Neighbour notifications

Printed: 13 July 2023 Expired: 3 August 2023

Site notice

Posted: 19 July 2023 Expired: 9 August 2023

Press advert

Published: 25 July 2023 Expired: 8 August 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

433 Wilmslow Road is a three storey property located at the northern entrance to Withington District Centre. Originally a residential property, it has been used as office accommodation for many years. Car parking is provided at the front of the property which is accessed directly off Wilmslow Road. Beyond the rear boundary there are residential properties.

The site is located within the Withington Conservation Area.

Listed building: No

Conservation area: Withington Conservation Area 1983

Tree Preservation Order: No

Description of development

Erection of a single storey storage building following demolition of existing structure

Consultations & Notification Responses

Local Residents/Businesses – No comments received.

Withington Civic Society – The Society welcomes the proposal as it will achieve an improvement in the yard area behind 433 Wilmslow Road. It is suggested that any planning approval is subject to a condition that there is appropriate planting between the rears of Nos 433 and 431 and along the front of No 433 by the wall on Wilmslow Road.

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:

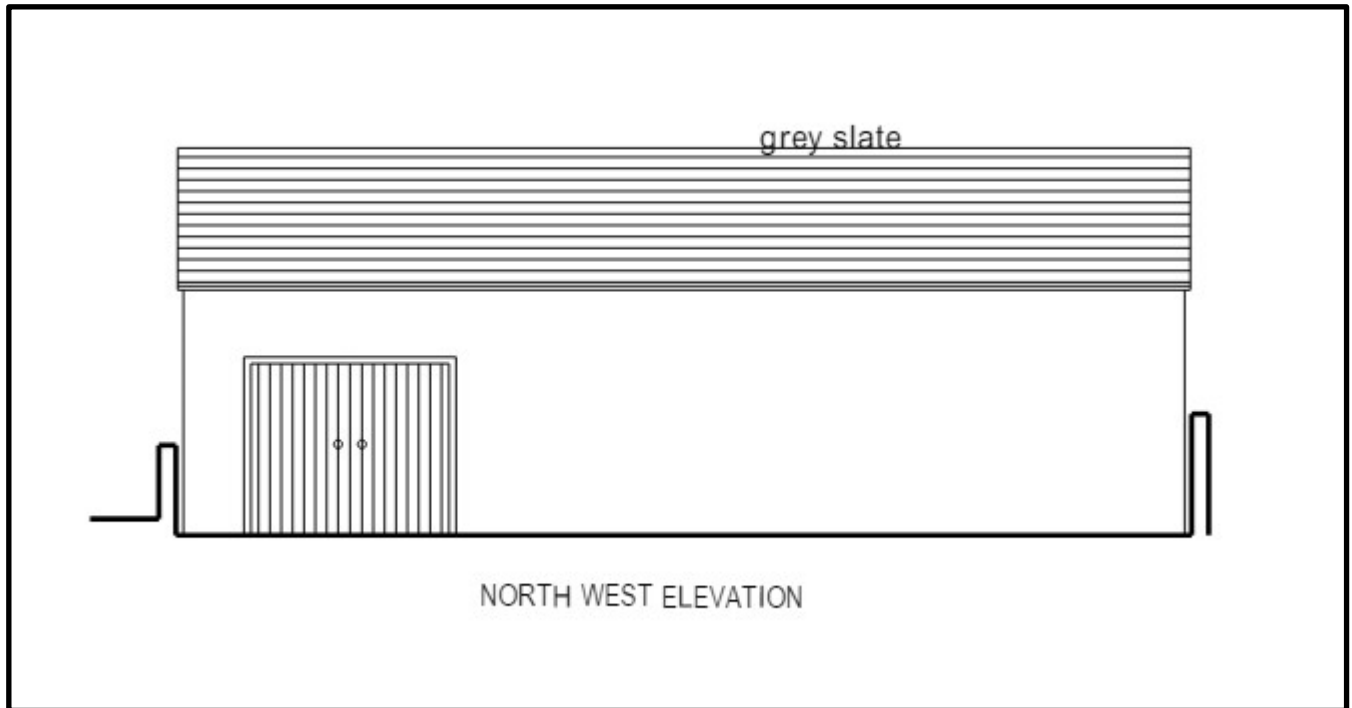
- a) The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:
 - i. the relationship of new structures to neighbouring buildings and spaces;
 - ii. the effect of major changes to the appearance of existing buildings;
 - 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.

Legislative Requirements – Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of the power to determine planning applications for any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Issues

Principle of the Proposal – The existing store is a somewhat ramshackle structure built using a variety of materials and it is not fit for purpose. Its removal and replacement with a brick built structure is considered acceptable and it is acknowledged that it would help to tidy up the rear of the site. As such, there is no objection in principle to the removal of the existing store and its replacement with that now proposed.

Design – The proposal, as can be seen below, would be constructed from brick and topped by a pitched slate roof. It would be traditional in appearance and more in keeping with the overall character of the conservation area. Overall, the design of the proposal is considered acceptable.



Visual Amenity – Given the design of the proposal and the fact it would result in the removal of the existing structure, it is considered that the proposal would improve the levels of visual amenity enjoyed within the vicinity of the site.

Impact upon the Withington Conservation Area – The site lies within the Withington Conservation area. This covers the traditional shopping area of Withington, as well as a number of the surrounding residential street. The village centre of Withington is characterised by buildings with shops on the ground floor and one or two storeys of storage or offices above. Some are single storey and the average height is around two or three storeys.

This site is located at the northern entrance to Withington Village and while the existing store is not very visible from Wilmslow Road, its design and appearance is not considered appropriate and a positive contributor to the character of the conservation Area.

The replacement building, being of brick and slate construction and traditional in design, is more in keeping with the overall character of the Withington Conservation Area and is similar in appearance to a number of outbuildings seen throughout the conservation area and the wider south Manchester Area.

Given the above, it is not considered that the proposal would have a detrimental impact upon the character of the Withington Conservation Area, it would cause less than substantial harm weighed against the benefits of the development proposal.

Residential Amenity – The building would not result in overlooking or a loss of privacy. As a result it is not considered that the proposal would have a detrimental impact upon the existing levels of residential amenity enjoyed within the vicinity of the site.

Car Parking – The removal of the existing store and its replacement with the new building would result in an increase of two parking spaces. This is welcomed and would assist in reducing the instances of on-street parking resulting from the existing business.

Landscaping – It is not considered that erection of the storage building in the rear yard area would merit a requirement to introduce landscaping along the front boundary.

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 received on 8 June 2023:

- a) Drawing nos. L663 01 to L663 04
- b) Drawing no. L663 25

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) The development hereby approved shall be used solely for storage in association with the use at no. 433 Wilmslow Road and for no other purpose.

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

Appendix 1 – List of consultees & neighbours notified

Withington Civic Society

Flat 6, 431A Wilmslow Road, Manchester, M20 4AF

Flat 5, 431A Wilmslow Road, Manchester, M20 4AF

Flat 4, 431A Wilmslow Road, Manchester, M20 4AF

Flat 3, 431A Wilmslow Road, Manchester, M20 4AF

Flat 2, 431A Wilmslow Road, Manchester, M20 4AF

Flat 1, 431A Wilmslow Road, Manchester, M20 4AF

429A Wilmslow Road, Manchester, M20 4AF

435 Wilmslow Road, Manchester, M20 4AF

Flat 1, 425 Wilmslow Road, Manchester, M20 4AF

Flat 2, 425 Wilmslow Road, Manchester, M20 4AF

Flat 3, 425 Wilmslow Road, Manchester, M20 4AF

414 Wilmslow Road, Manchester, M20 3BW

412 Wilmslow Road, Manchester, M20 3BW

Flat 4, 4 Heaton Road, Manchester, M20 4PX

Flat 1, 4 Heaton Road, Manchester, M20 4PX

Basement Office, 433 Wilmslow Road, Manchester, M20 4AF

8 Sycamore Close, Heaton Road, Manchester, M20 4PH

5 Sycamore Close, Heaton Road, Manchester, M20 4PH

34 Sycamore Close, Heaton Road, Manchester, M20 4PH

30 Sycamore Close, Heaton Road, Manchester, M20 4PH

29 Sycamore Close, Heaton Road, Manchester, M20 4PH

26 Sycamore Close, Heaton Road, Manchester, M20 4PH

23 Sycamore Close, Heaton Road, Manchester, M20 4PH

21 Sycamore Close, Heaton Road, Manchester, M20 4PH

19 Sycamore Close, Heaton Road, Manchester, M20 4PH

16 Sycamore Close, Heaton Road, Manchester, M20 4PH

14 Sycamore Close, Heaton Road, Manchester, M20 4PH

10 Sycamore Close, Heaton Road, Manchester, M20 4PH

Flat 5, 433 Wilmslow Road, Manchester, M20 4AF

Flat 4, 433 Wilmslow Road, Manchester, M20 4AF

Flat 3, 433 Wilmslow Road, Manchester, M20 4AF

Flat 2, 433 Wilmslow Road, Manchester, M20 4AF

425 - 427 Wilmslow Road, Manchester, M20 4AF

2 Heaton Road, Manchester, M20 4PX

412A Wilmslow Road, Manchester, M20 3BW

Flat 1, 433 Wilmslow Road, Manchester, M20 4AF

Flat 3, 4 Heaton Road, Manchester, M20 4PX

Flat 2, 4 Heaton Road, Manchester, M20 4PX
BUPA Dental Care, 429 Wilmslow Road, Manchester, M20 4AF
Snipz, 431 Wilmslow Road, Manchester, M20 4AF
3 Swinbourne Grove, Manchester, M20 4PP
1 Swinbourne Grove, Manchester, M20 4PP
37 Sycamore Close, Heaton Road, Manchester, M20 4PH
36 Sycamore Close, Heaton Road, Manchester, M20 4PH
35 Sycamore Close, Heaton Road, Manchester, M20 4PH
31 Sycamore Close, Heaton Road, Manchester, M20 4PH
3 Sycamore Close, Heaton Road, Manchester, M20 4PH
28 Sycamore Close, Heaton Road, Manchester, M20 4PH
27 Sycamore Close, Heaton Road, Manchester, M20 4PH
25 Sycamore Close, Heaton Road, Manchester, M20 4PH
24 Sycamore Close, Heaton Road, Manchester, M20 4PH
22 Sycamore Close, Heaton Road, Manchester, M20 4PH
20 Sycamore Close, Heaton Road, Manchester, M20 4PH
2 Sycamore Close, Heaton Road, Manchester, M20 4PH
18 Sycamore Close, Heaton Road, Manchester, M20 4PH
17 Sycamore Close, Heaton Road, Manchester, M20 4PH
15 Sycamore Close, Heaton Road, Manchester, M20 4PH
12 Sycamore Close, Heaton Road, Manchester, M20 4PH
11 Sycamore Close, Heaton Road, Manchester, M20 4PH
1 Sycamore Close, Heaton Road, Manchester, M20 4PH
9 Sycamore Close, Heaton Road, Manchester, M20 4PH
7 Sycamore Close, Heaton Road, Manchester, M20 4PH
6 Sycamore Close, Heaton Road, Manchester, M20 4PH
4 Sycamore Close, Heaton Road, Manchester, M20 4PH
33 Sycamore Close, Heaton Road, Manchester, M20 4PH
32 Sycamore Close, Heaton Road, Manchester, M20 4PH
Flat 7, 431A Wilmslow Road, Manchester, M20 4AF
427A Wilbraham Road, Manchester, M20 4AF
427B Wilmslow Road, Manchester, M20 4AF
Flat 4, 2 Heaton Road, Manchester, M20 4PX
Flat 3, 2 Heaton Road, Manchester, M20 4PX
Flat 2, 2 Heaton Road, Manchester, M20 4PX
Flat 1, 2 Heaton Road, Manchester, M20 4PX

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 - Withington Conservation Area 1983
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA