

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136623/NMC/2023

Date registered valid: 29 March 2023

Proposal: Non-Material Amendment to planning permission 133446/FO/2022 to allow for changes to the colour of the powder coated aluminium balcony panels sited on the communal balcony walkways on elevation E1

Address: Flat 1, West View Court, West View Road, Manchester, M22 4LQ

Ward(s): Northenden Ward

Applicant: Mr Adrian Waywell Wythenshawe Community Housing Group

Agent (if any): Mr Liam Nolan Arcus Consulting LLP

Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 21.04.2023

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: Non required

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

This application relates to West View, a multi-storey tower block located in the Northenden ward of Manchester. The tower block is 9 storeys high (including the ground floor) with plant to the roof top level. It is accessed by pedestrians off West View Road, the parking surrounds the building on street with dedicated parking provision to the rear of the building. There are small softscape grassed areas within the curtilage of the site, and the boundary around the block comprises of railing and weldmesh fencing.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area surrounding the application site is residential in nature, comprising of 2 storey houses together with bungalows. The M60 motorway runs to the rear of the site.

Description of development

The previously approved application under ref: 133446 proposed the replacement of existing windows and doors to each of the floors, and the replacement of the existing Spandrell Panels to the windows and a re-roof. The facade of the apartment block comprises of a brown brick over the residential floors with white UPVC windows, and blue doors. The balconies and infill panels are also green. The access points and service areas to the foot of the building are in a cream render. The development is greatly in need of a facelift, which is proposed by this application currently under consideration. The external face windows RAL 7016 and grey and lilac infill panels in pre-coated aluminium. The Spandrell panels that form the enclosed balcony areas are proposed in RAL 7035, 7046, 7040 and 9003. The lilac panel was previously approved on the rear elevation only, however the applicant now wishes to balance this out by mirroring the lilac panel to elevation E1. This involves the substitution of some of the grey

panels with the lilac panels in a regular pattern on the panels that serve the walkways across the flats along that elevation.

The application under consideration is to facilitate amendments to the approved scheme. The amendments will be assessed to determine whether the proposed changes can be considered as non-material changes.

Consultations & Notification Responses

No consultations are carried out for this type of application.

Issues

Materiality

Section 96A of the 1990 Act (as inserted on 1st October 2009 by sec.190 of the Planning Act 2008) allows a local planning authority in England to make a change to any planning permission relating to land in its area if it is satisfied that the change is not material. In deciding whether a change is material, the authority must have regard to the effect of the change, together with any previous non-material changes, on the planning permission as originally granted.

The amendments proposed are: Replace some of the panels to the communal walkways from a grey to a lilac (RAL 4001). This would then mirror the elevation to the reverse of the building 2No. The materials or the dimensions would not be changed and would only be a minor change to the aesthetics.

Following assessment of the amendments proposed, it is considered that these are non-material in nature and as such the changes will not materially alter the originally approved scheme and are therefore considered to be non-material.

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/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. The scheme is considered to be in accordance with the guidance contained within saved policy DC1 of the Manchester Unitary Development Plan, policies SP1 and DM1 of the Core Strategy and the National Planning Policy Framework. Appropriate conditions have been attached.

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

1) The proposed changes to the previously approved scheme under ref: 133446 comprise of a colour change to some of the panels in a regular pattern through the substitution of a mix of RAL 7035, 7040 7046 and 9003 (Greys) for RAL 4001 (lilac).

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

- 01- Elevation E1 and E2 Without Rainscreens.
- 02- Revision A Elevation E1 and E2 With Rainscreens received 29th March 2023.
- 03- Elevation E3 and E4 Elevations Without Balcony Panel.
- 04- Elevations E2 and E3 With Balcony Panels
- 05- Window Schedule
- 06- Section Through High Level Walkway.
- 07- Main Entrance Screens
- 08- Community Entrances
- 13- Site Location Plan

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) Following an assessment of the details submitted, the City Council can confirm that the proposed amendments are considered to be of a non-material nature and acceptable to the City Council as the Local Planning Authority. The City Council is satisfied that the proposed changes are minor in nature and would not have a significant material impact upon the overall design and external appearance of the previously approved development. It is also considered that the proposals would not have any impact on the visual amenity of the wider area.

Appendix 1 – List of consultees & neighbours notified

Non required

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

Green Belt Land - Green Belt Area (LDF)

Historic Landfill Site 250m Buffer -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH AREA