

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136310/NMC/2023

Date registered valid: 20 February 2023

Proposal: Non-material amendment to planning approval reference 130920/JO/2021 to allow for the installation of PV panels on part of the roof.

Address: Land Between Nell Lane And Brookstone Close, Manchester

Ward(s):

Applicant: Mr Matthew Brown, Southway Housing Trust

Agent (if any): Miss Madeleine Mooney, Triangle Architects

Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 08.03.2023

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: Non required for a Non material amendment application

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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential with a mixture of semi-detached, terraced and flatted properties located to the north and west of the application site that fronts onto Nell Lane a busy east - west link road connecting to Princess Road to the east and Mauldeth Road West to the west. To the west and south of the site is land and burial grounds associated with Southern Cemetery and grade II Registered Park and Garden. Loreto High School is also located in close proximity to the west along Nell Lane. There are a number of incidental grassed spaces at junctions of roads and grassed and treed verges along Nell Lane. The application site comprises such a space containing 10 trees and 2 hedges set back beyond the verge and pavement on the northern side of Nell Lane together with areas of hardstanding which is utilised as unallocated car parking for surrounding residential properties.

The area of the site is approximately 1702 m² and the boundary is formed to the South and West by Nell Lane. To the North and East it is bounded by residential properties along Arrowfield Rd and Brookstone Close. Vehicular access is enabled by the road on Brookstone Close and there are two existing pedestrian footpaths: on the South East boundary, which connects Nell Lane to the site and the North East boundary coming from Brookstone Close.

Description of development

Planning approval was granted under reference 126076/FO/2020 for the erection of a three-storey apartment block to form 12no. (2 bedroom) apartments with associated car parking and landscaping. The proposals see the development of the site for the erection of a three-storey apartment block to form 12no. (2 bedroom) apartments with associated car parking and landscaping. A subsequent variation to this approval was granted under permission reference 130920/JO/2021 which amended the siting due to utilities and associated internal and external amendments.

The current application seeks permission for a non-material amendment to the above approval to allow for the installation of a PV solar array to part of the roof of the building.

Consultations & Notification Responses

None required for a non-material amendment application in this instance.

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 amendment proposed is set out below in the submitted drawings



Part 14 of Schedule 2 of the GDPO allows for the installation of solar equipment onto a dwellinghouse or block of flats where:

- (a) the solar PV or solar thermal equipment would protrude more than 0.2 metres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope - **Complies**;
- (b) it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney) - **Complies**;
- (c) in the case of land within a conservation area or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall which fronts a highway; **(N/A)**
- (d) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument; **(N/A)** or

(e) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse or block of flats if the dwellinghouse or block of flats is a listed building
(N/A)

Following assessment of the amendments proposed it is considered that these are non-material in nature and would otherwise be permitted development on first occupation of the development. As such the changes will not materially alter the originally approved scheme and are therefore considered to be non-material.

As a result of this change an update to condition numbers 2 (specified plans).

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

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

PARA 1) The proposed amendments relate to the installation of PV panels on part of the roof of a previously approved residential apartment block.

PARA 2) 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 or residential amenity of the wider area.

Condition 2)

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

Bin and Cycle Store 1.07 Rev B
Noise Impact Assessment prepared by E3P
Drainage Strategy Ref 19-4245/JM dated 19th August 2019 prepared by ADS Structural and drawing 19-4245-500 Rev P1
P.1206.19 Preliminary Ecological Appraisal prepared by Ascerta
Preliminary Desk Top Study and Intrusive Report prepared by Worms Eye Ref: Nell Lane/M21 7UH/2019
Crime Impact Statement 2019/0453/CIS/01 VERSION A: 05.08.19
Waste Management Strategy
Transport Technical Note prepared by Mode
Air Quality Assessment 2887-1r1 Date: 1st July 2019 prepared by Redmore Environmental
Energy Statement & Low or Zero Carbon (LZC) technology feasibility study AG-73080-LZCR-Rev A prepared by Anderson Goddard Ltd

All received by the City Council as local planning authority on the 31st January 2020

Documents submitted to discharge conditions from planning approval reference 126076/FO/2020 and given reference CDN/21/0290

Proposed block plan and elevations 18-021/20-057 1.05 Rev C
Proposed floor plans 18-021/20-057 1.04 Rev C
Proposed site plan 18-021/20-057 1.02 Rev D
Landscape proposals drawing reference 311 01 Rev C
Replacement Tree Proposals drawing reference 311 02 Rev F
Updated Arboricultural Impact Assessment November 2019 prepared by Ascerta
Proposed boundary treatment section drawing 18-021/20-057/ 1.06 Rev D
All received by the City Council as local planning authority on the 1st July 2021

Litter trap fencing detail as received via email on the 30th September 2021.

PV Array Elevations and Detail Section Nell Lane reference 1.11
Proposed roof plan 18-021/20-057 1.03 Rev D
Both as received by the City Council as local planning authority on the 20th February 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.

Appendix 1 – List of consultees & neighbours notified

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

Historic Landfill Site 250m Buffer -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH AREA