

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135037/FO/2022
Date registered valid: 17 November 2022
Proposal: Erection of 3 no. outbuildings together with installation of sunken spa/pool and associated landscaping
Address: 21A Didsbury Park, Manchester, M20 5LH
Ward(s): Didsbury East Ward

Applicant: Mr & Mrs Flanagan
Agent (if any): Mr Andrew Edmunds, Edmunds Architects
Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 12 January 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 28 November 2022

Standard consultations:

Printed: 6 December 2022 Expired: 27 December 2022

Neighbour notifications

Printed: 23 November 2022 Expired: 14 December 2022

Site notice

Posted: 28 November 2022 Expired: 19 December 2022

Press advert

Published: 29 November 2022 Expired: 20 December 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

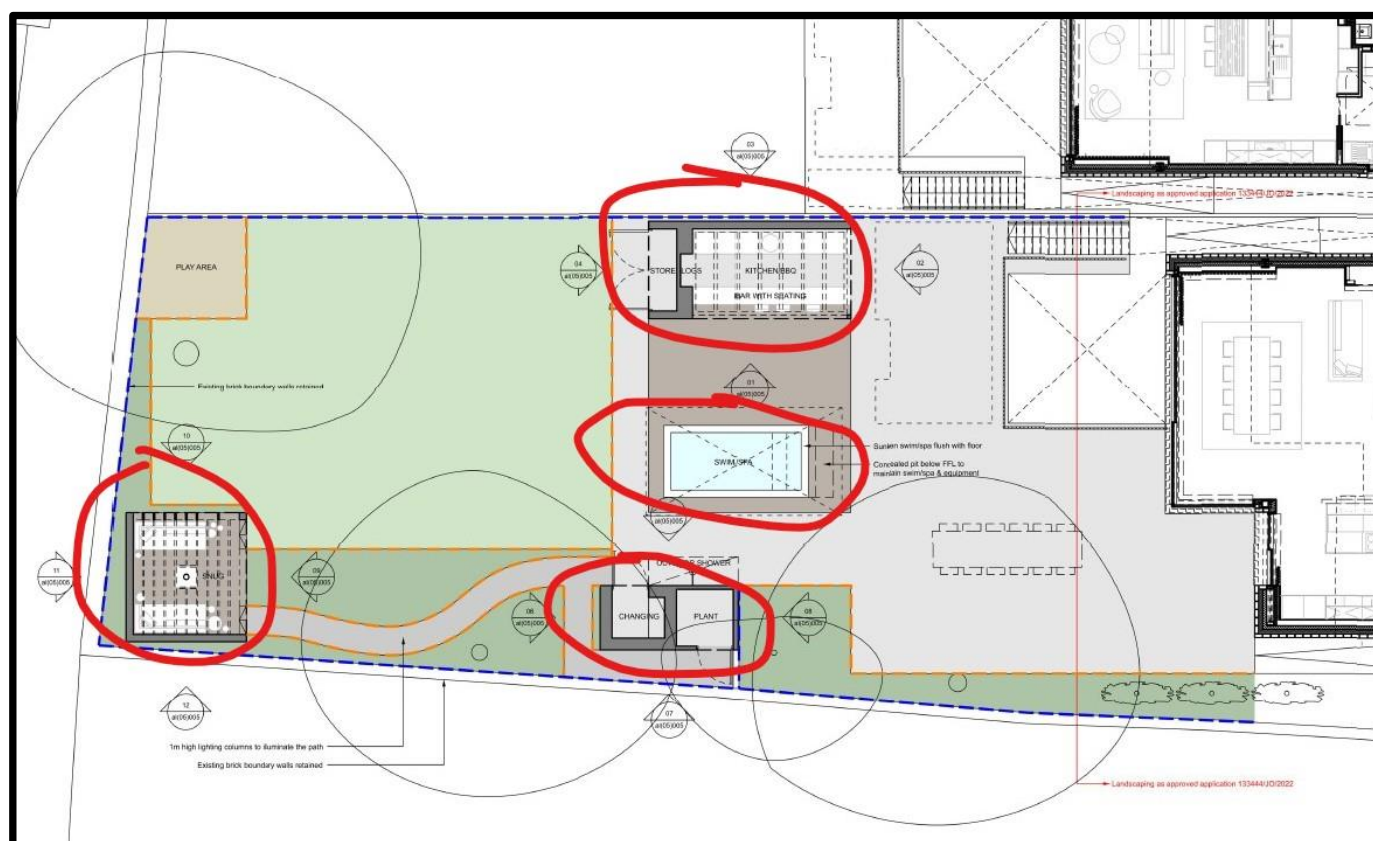
This site, which is located within the Didsbury St James Conservation Area, was once home to a large detached dwellinghouse set within large grounds. In 2019, planning permission was granted (under reference 123880/FO/2019) for the erection of two, three storey detached dwelling houses (six bedrooms) with associated landscaping and car parking. The two dwellings are currently being erected.

The permission has been varied a number of times under applications 129428/JO/2021, 131214/JO/2021 and 133444/JO/2022

Listed building: No
Conservation area: Didsbury St James Conservation Area 1970
Tree Preservation Order: No

Description of development

The prospective purchaser of one of the new dwellings is proposing to erect a total of three outbuildings in the rear garden to provide ancillary accommodation (outside bbq, snug and changing facilities). In addition, a modest swimming pool is also proposed.



Consultations & Notification Responses

Local Residents – No comments received.

Didsbury Civic Society – No comments received.

United Utilities Water PLC – Suggests the imposition of a drainage condition to ensure there is no sewer surcharge.

Environmental Health – Any external plant must be adequately insulated to protect residential amenity, as such an acoustic condition is suggested.

City Arborist – No objection to the development proposals from an arboricultural perspective. The trees in question are of low quality and offer little value to this site. Tree T19 must be adequately protected in accordance with BS:5837. The space is limited on this site and therefore no additional mitigation planting is required.

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 206 states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

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.

Paragraph 208 states that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

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 are considered as follows:-

- 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. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Flood risk and drainage.

Saved UDP Policies – 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:

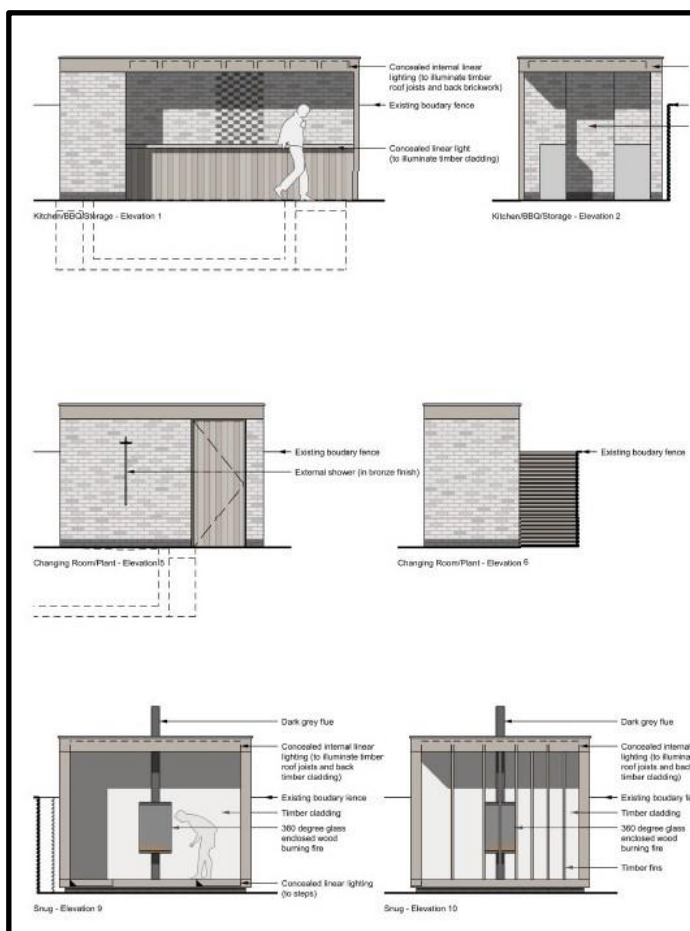
- a) The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:
 - i. the relationship of new structures to neighbouring buildings and spaces;
 - ii. the effect of major changes to the appearance of existing buildings;
 - 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 of 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 provision of the outbuildings and swimming pool is considered acceptable and it is worth noting that if the dwellinghouse had been completed and occupied the development would most likely constitute permitted development.

Design – The three outbuildings would be modest in size, they would be contemporary in design and constructed from bricks that match the new dwellings currently under construction. Overall, the design of the outbuildings is considered acceptable.



Residential Amenity – The outbuildings would not lead to overlooking or overshadowing. One of the outbuilding would house machinery associated with the swimming pool and following the recommendations of Environmental Health an acoustic insulation condition would be attached to any approval granted. Given this, it is not considered that the proposal would have a detrimental impact upon existing levels of residential amenity.

Visual Amenity – Given the design and siting of the outbuildings it is not considered that they would have a detrimental impact upon the levels of visual amenity enjoyed within the vicinity of the site and along Didsbury Park itself.

Impact upon Heritage Assets – Given their design and siting, it is not considered that the proposed outbuildings would have a detrimental impact upon the overall character of the Didsbury St James Conservation Area and nearby listed buildings.

Trees – The comments of the City Arborist are noted and the impact upon the existing tree population is considered acceptable. In line with their recommendations, a condition requiring the retained trees to be protected is suggested in this instance.

Drainage – As requested by United Utilities, in order to ensure that the risk to sewer surcharge can be assessed, the suggested drainage condition would be attached to any consent granted.

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 seek solutions to problems arising in relation to dealing with the planning application. No such problems have arisen on this 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:

- a) Drawing no. 0077_al(05)001 P2, stamped as received on 1 November 2022
- b) Drawing nos. 0077_al(05)003 P1 to 005 P1, stamped as received on 26 September 2022
- c) Arboricultural Impact Assessment, stamped as received on 1 November 2022

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) The development shall be constructed and thereafter maintained using the materials detailed in the Design and Access Statement, stamped as received on 26 September 2022.

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) a) Any externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with an acoustic insulation scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to commencement of above-ground works, the acoustic insulation scheme, including a timetable for its implementation, shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented in accordance with the agreed timetable and thereafter maintained.

b) Prior to the operation of the scheme a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the approved acoustic insulation scheme. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - In the interests of residential amenity and to prevent a general increase in pre-existing background noise levels around the site, pursuant to Policy DM1 in the Manchester Core Strategy and saved UDP Policy DC26.

5) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained within the Arboricultural Impact Assessment stamped as received on 1 November 2022; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

6) Prior to the commencement of above ground works, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD; (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason – To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, pursuant to Policies EN08 and EN14 in the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

United Utilities Water PLC
Environmental Health
Neighbourhood Team Leader (Arboriculture)
Didsbury Civic Society
Didsbury Civic Society
Environmental Health
Neighbourhood Team Leader (Arboriculture)

1 Dalston Drive, Manchester, M20 5LL
6 Bloomesbury Avenue, Manchester, M20 2BN
4 Bloomesbury Avenue, Manchester, M20 2BN
2 Bloomesbury Avenue, Manchester, M20 2BN
Serviced Apartment 7, Dornden, 60 Didsbury Park, Manchester, M20 5LJ
Flat 6, Dornden, 60 Didsbury Park, Manchester, M20 5LJ
Flat 5, Dornden, 60 Didsbury Park, Manchester, M20 5LJ
Serviced Apartment 4, Dornden, 60 Didsbury Park, Manchester, M20 5LJ

Serviced Apartment 3, Dornden, 60 Didsbury Park, Manchester, M20 5LJ
Serviced Apartment 2, Dornden, 60 Didsbury Park, Manchester, M20 5LJ
Serviced Apartment 1, Dornden, 60 Didsbury Park, Manchester, M20 5LJ
19 Didsbury Park, Manchester, M20 5LH
58 Didsbury Park, Manchester, M20 5LJ
23 Didsbury Park, Manchester, M20 5LH

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 - Didsbury St James Conservation Area 1970
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA