

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136409/JO/2023

Date registered valid: 9 March 2023

Proposal: Variation of condition 2 (approved drawings) from planning approval reference 132330/FO/2021 (granted on appeal reference: APP/B4215/W/22/3298650) to allow for amendments to the siting of the dwelling and elevational alterations

Address: 10 Springbridge Road, Manchester, M16 8PL

Ward(s): Whalley Range Ward

Applicant: Mrs S Zakir

Agent (if any): David Ormesher, Holborow & Ormesher

Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 3 May 2023

Application details

Type of application: Variation or Removal of Condition

Development type: Minor Dwellings

Standard consultations:

Printed: 10 March 2023 Expired: 31 March 2023

Neighbour notifications

Printed: 10 March 2023 Expired: 31 March 2023

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/area

This application relates to a parcel of land which was formerly the rear garden of no. 2 Manley Road, a three storey residential property in use as six self-contained flats. The land has since been fenced off from no. 2 Manley Road and is in an overgrown and neglected state.

To the north of the site stands no. 10 Spring Bridge Road, a detached bungalow with living accommodation in the roofspace. To the east, on the opposite side of Spring Bridge Road, there is a row of interwar semi-detached dwellings. To the south stands no. 2 Manley Road, while immediately to the east lies the rear garden of no. 4 Manley Road, a property also in use as self-contained flats.

Listed building: no

Conservation area: no

Tree Preservation Order: no

Description of development

The applicant obtained planning permission, via appeal APP/B4215/W/22/3298650, to erect a detached dwelling on the site. The applicant is now applying to vary condition 2 (approved drawings) to allow for amendments to the design and siting of the dwelling.

Consultations & Notification Responses

Local Residents – No comments received.

Whalley Range Forum – No comments received.

Highway Services – No objections to the proposed revisions.

Environmental Health – No objections to the proposed revisions.

Neighbourhood Team Leader (Arboriculture) – It would appear that the alterations will not have any additional impact on the offsite tree. They also stress the necessity for the use of ground boards if the developer is storing materials or machinery near the root zone of the offsite tree.

Flood Risk Management – Suggests the imposition of a condition designed to reduce flooding and promote sustainable drainage.

Greater Manchester Police – Welcome the inclusion of a Secured by Design condition.

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, Sections 5 (*Delivering a sufficient supply of homes*) and 9 (*Promoting sustainable transport*) are of relevance:

Paragraph 60 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.

Paragraph 69 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.

Paragraph 104 states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that opportunities to promote walking, cycling and public transport use are identified and pursued.

Paragraph 107 states that if setting local parking standards for residential and non-residential development, policies should take into account the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

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 H6, South Manchester – South Manchester will accommodate around 5% of new residential development over the lifetime of the Core Strategy. High density development in South Manchester will generally only be appropriate within the district centres of Chorlton, Didsbury, Fallowfield, Levenshulme, and Withington, as part of mixed-use schemes. Outside the district centres priorities will be for housing which meets identified shortfalls, including family housing and provision that meets the needs of elderly people, with schemes adding to the stock of affordable housing.

Policy DM1, *Development Management* – This policy states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- 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.
- Green Infrastructure including open space, both public and private.
- The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- Flood risk and drainage.
- Existing or proposed hazardous installations.
- Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques as follows (In terms of energy targets this policy should be read alongside policy EN6 and the higher target will apply):-

a) For new residential development meet as a minimum the following Code for Sustainable Homes standards. This will apply until a higher national standard is required:

Year 2010 – Code Level 3;

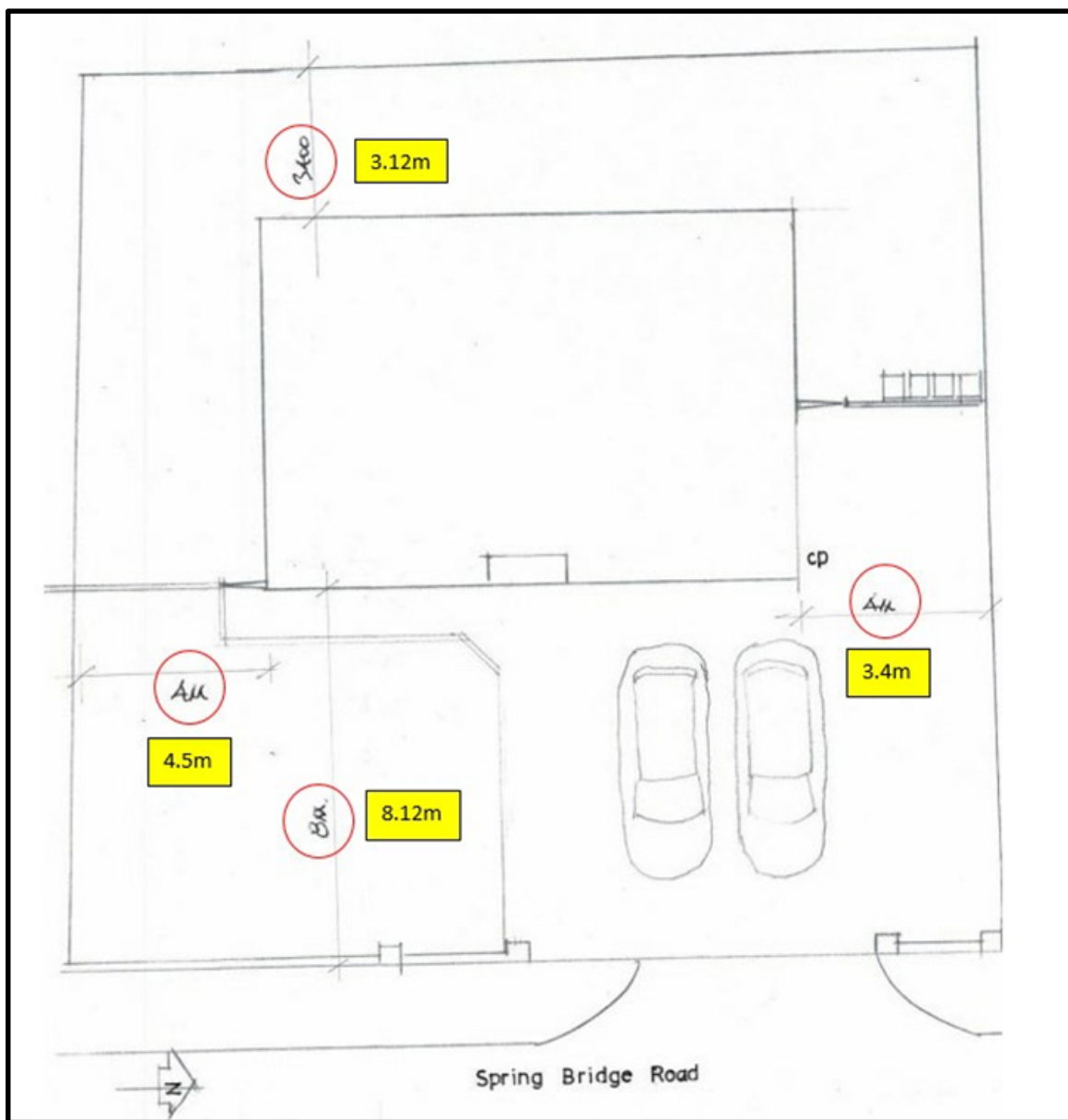
Year 2013 - Code Level 4;

Year 2016 - Code Level 6; and

(b) For new commercial developments to demonstrate best practice which will include the application of the BREEAM (Building Research Establishment Environmental Assessment Method) standards. By 2019 provisions similar to the Code for Sustainable Homes will also apply to all new non-domestic buildings.

Issues

Siting – The proposed dwelling is to be re-sited by moving it closer to the southern and eastern boundary (side and front boundaries respectively). The originally approved distances to the boundaries are shown highlighted, while the proposed distances are shown ringed in red



Given the small differences in the dwelling's positioning and the fact the predominant building line would still be adhered to, it is considered that the proposed siting is acceptable.

Design – The original design, as approved by the Planning Inspectorate is shown below:



The amendments to the proposed dwelling are shown below, omissions circled in red, additions in green:



Given the nature of the revisions, the overall design of the proposed dwelling is considered acceptable.

Residential Amenity – The revisions to the proposal would not have a detrimental impact upon the levels of residential amenity enjoyed by the occupants of the adjoining residential accommodation.

Visual Amenity – Given the design and siting of the proposed dwelling it is not considered that the proposal would have a detrimental impact upon the levels of visual amenity enjoyed along Springbridge Road.

Car Parking – Sufficient space would exist at the front of the property for the applicant to be able to park two vehicles. This level of provision is considered acceptable.

Pedestrian and Highway Safety – The proposal would not have a detrimental impact upon the existing levels of pedestrian and highway safety enjoyed within the vicinity of the site.

Drainage – The condition suggested by FRM would be attached to any approval granted.

Tree Protection – The condition suggested by Neighbourhood Team Leader (Arboriculture) would be attached to any approval 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 resolve any matters 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 planning permission reference 132330/FO/2021 (granted on appeal reference: APP/B4215/W/22/3298650), that date being 18 October 22.

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 and documents approved under appeal :

- a) Location Plan - 9722/001 Revision D
- b) Tree Protection Plan - Arbtech TPP 01

and the following drawings stamped as received on 23 February 2023 and 19 March 2023:

- c) Proposed elevations and floor plans - drawing no. 2277/23/01, stamped as received 23 February 2023
- d) Proposed site plan - drawing no. 2277/23/02A, stamped as received 19 March 2023

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 development shall commence until a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site has been submitted to and approved in writing by local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

- In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Report) has been submitted to and approved in writing by the local planning authority.
- The measures for investigating the site identified in the Site Investigation Report shall be carried out, before construction of the dwelling hereby approved and a report prepared outlining what measures, if any, are required to remediate the land (the Remediation Strategy) which shall be submitted to and approved in writing by the local planning authority.
- In the event of the Site Investigation report identifying any measures required to remediate the site, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the local planning authority.
- In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Manchester Core Strategy.

4) 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 Arboricultural Method Statement, 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).

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.

The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and Arboricultural Method Statement 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.

For clarification, "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and Arboricultural Method Statement; and paragraphs (a) and (b) above shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

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 Manchester Core Strategy.

5) No development shall commence until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall: a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; b) include a timetable for its implementation; and, c) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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 (2012) and national policies within the NPPF and NPPG.

6) Prior to their use, details/samples and specifications of all materials to be used on all external elevations of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.

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.

7) Prior to the occupation of the development hereby approved details of the measures to be incorporated into the development to demonstrate how Secured by Design accreditation will be achieved shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Manchester Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

8) Prior to the occupation of the development hereby approved the first floor windows in the rear elevation of the dwelling shall be obscurely glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

9) Prior to the occupation of the development hereby approved details of the measures to be incorporated into the development to allow for the provision of electric vehicle charging points shall be submitted to and approved by the local planning authority. The measures shall be provided as agreed prior to the first occupation of the development and thereafter maintained in accordance with these details.

Reason - To promote sustainable development and in the interests of residential amenity, pursuant to Policies DM1 and EN16 in the Manchester Core Strategy.

10) Prior to the occupation of the development hereby approved details of a scheme for cycle parking facilities within the curtilage shall be submitted to and approved in writing by the local planning authority. The facilities shall be provided as agreed prior to the first occupation of the development and thereafter maintained in accordance with these details.

Reason - To promote sustainable development and in the interests of residential amenity, pursuant to Policies DM1 and EN16 in the Manchester Core Strategy.

11) The car parking hereby approved shall be laid out, demarcated and made available prior to the occupation of the development hereby approved.

Reason - In the interests of pedestrian and highways safety and to ensure the satisfactory development of the site, pursuant to Policy DM1 in the Manchester Core Strategy.

12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages, outbuildings or extensions shall be erected other than those expressly authorised by this permission.

Reason - To ensure the satisfactory development of the site and in the interest of residential and visual amenity, pursuant to policy DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services

Environmental Health
MCC Flood Risk Management
Neighbourhood Team Leader (Arboriculture)
Greater Manchester Police
United Utilities Water PLC
Whalley Range Forum
13 Springbridge Road, Manchester, M16 8PL
15 Springbridge Road, Manchester, M16 8PL
17 Springbridge Road, Manchester, M16 8PL
19 Springbridge Road, Manchester, M16 8PL
21 Springbridge Road, Manchester, M16 8PL
Flat 2, 2 Manley Road, Manchester, M16 8PN
Flat 6, 2 Manley Road, Manchester, M16 8PN
Flat 5, 2 Manley Road, Manchester, M16 8PN
Flat 4, 2 Manley Road, Manchester, M16 8PN
Flat 3, 2 Manley Road, Manchester, M16 8PN
Flat 1, 2 Manley Road, Manchester, M16 8PN
Flat 5, 4 Manley Road, Manchester, M16 8PN
Flat 4, 4 Manley Road, Manchester, M16 8PN
Flat 3, 4 Manley Road, Manchester, M16 8PN
Flat 2, 4 Manley Road, Manchester, M16 8PN
Flat 1, 4 Manley Road, Manchester, M16 8PN
11 Springbridge Road, Manchester, M16 8PL

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