

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134205/JO/2022
Date registered valid: 16 December 2022
Proposal: Variation of Condition 2 (specified plans) from planning approval reference 131914/FO/2021 to reposition the front entrance to basement dwelling together with internal floor layout alterations
Address: 286 Burton Road, Manchester, M20 2NB
Ward(s): Didsbury West Ward

Applicant: Mayfair Development
Agent (if any): Mr Eu Weng Ang
Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 28 February 2023



Application details

Type of application: Variation or Removal of Condition

Development type: Minor Other

Date of site visit: 7 February 2023

Standard consultations:

Printed: 4 January 2023 Expired: 25 January 2023

Neighbour notifications

Printed: 4 January 2023 Expired: 25 January 2023

Site notice

Posted: 13 January 2023 Expired: 3 February 2023

Press advert

Published: 10 January 2023 Expired: 31 January 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

The application relates to the left-hand property of a pair of semi-detached, red-brick Victorian villas with attics and basements situated on the western side of Burton Road in the Albert Park Conservation Area. The property, no. 286 Burton Road, is currently in use as three flats, one in each of the ground, first and second floors. It is set back from Burton Road with a lawn area to the front and a hard-standing area to the rear. Access to the rear is taken from a path at the south side of the property. The area is predominantly residential, characterised by flat conversions, and is close to Withington Hospital.

Listed building: No

Conservation area: Albert Park Conservation Area 1988

Tree Preservation Order: No

Description of development

The applicant obtained planning permission for the following in February 2022 (131914/FO/2021):

Conversion of basement into 1 no. self-contained flat together with associated elevational alterations, landscaping, bike and bin store and car parking

He is now applying to vary condition no. 2 (approved drawings) to enable revisions to the design, namely the repositioning of the front entrance, as well as amendments to the internal layout of the basement flat.

Consultations & Notification Responses

Local Residents – Correspondence has been received from one local residents, the comments are summarised below:

- I am a current resident of Flat 1 at 286 Burton Road. The building has persistent damp and mould problems which have been occurring for several years. However, the landlord/letting agency has taken no action to rectify this problem other than short term solutions.
- If the property is to undergo investment it should be to rectify these issues first, not to increase the number of dwellings in a damp-ridden building.
- Additionally, this construction is likely to severely impact our day-to-day lives. When is the proposed start date?

West Didsbury Residents Association – No comments received.

Greater Manchester Police – No comments received.

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*), 9 (*Promoting sustainable transport*) and 16 (*Conserving and enhancing the historic environment*) 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 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.

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 H1, Overall Housing Provision – This policy states that the proportionate distribution of new housing, and the mix within each area, will depend on a number of factors and goes on to state that new residential development should take account of the need to:

- Contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing Manchester population;
- Reflect the spatial distribution set out above which supports growth on previously developed sites in sustainable locations and which takes account of
- the availability of developable sites in these areas;
- Contribute to the design principles of Manchester LDF including in environmental terms. The design and density of a scheme should contribute to the character of the local area. All proposals should make provision for appropriate usable amenity space. schemes should make provision for parking cars and bicycles (in line with policy T2) and the need for appropriate sound insulation;
- Prioritise sites which are in close proximity to centres of high frequency public transport routes;
- Be designed to give privacy to both its residents and neighbours.

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 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:

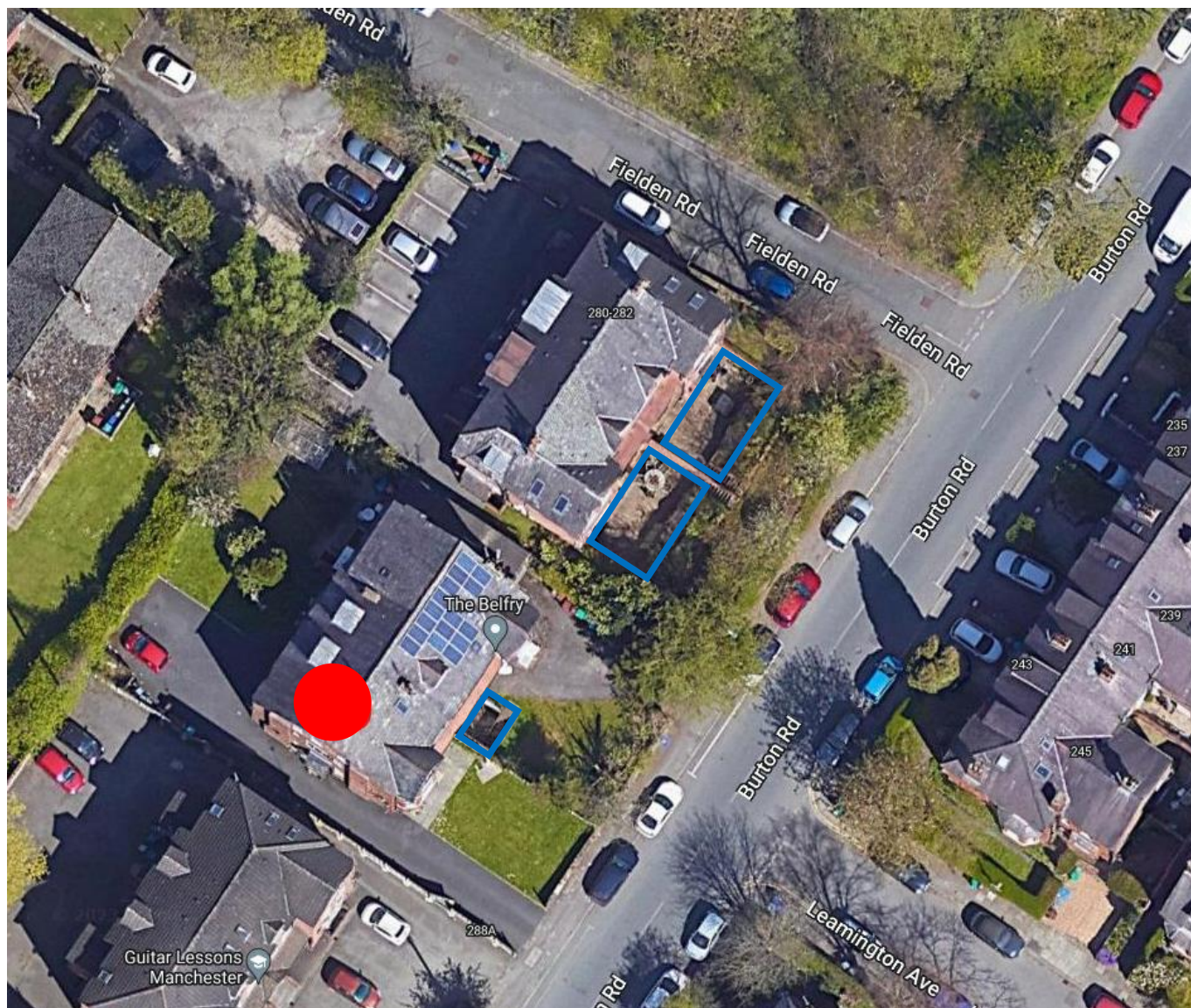
- a) The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:
 - i. the relationship of new structures to neighbouring buildings and spaces;
 - ii. the effect of major changes to the appearance of existing buildings;
 - 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 – Given the previous consent, the principle of the development is considered acceptable. Notwithstanding this, the impact of the revisions upon the character of the conservation area and existing levels of residential and visual amenity must be assessed.

Design – A number of properties in close proximity to the application site have basement entrances at the front of their respective buildings, this can be seen below, with the application site annotated by the red circle and the basement entrances in blue.

In this particular case the applicant is proposing an external staircase at the front of the property which would allow basement access. The existing front door to the premises would remain and the installation of a bridge link over the lightwell would enable it to be used by the occupants of the ground floor flat.



Overall, the design of the staircase, associated balustrading and bridge link is considered acceptable.

Residential Amenity – It is not considered that the proposed amendments would have a detrimental impact upon the levels of residential amenity enjoyed by the existing residents of no. 286 Burton Road and those who adjoin it.

Visual Amenity – It is not considered that the proposed amendments would have a detrimental impact upon the levels of visual amenity enjoyed by along this stretch of Burton Road.

Space Standards – The proposal is for a 2-bedroom flat plus separate storage space totalling 86m². The Nationally Described Space Standards require that 70m² of floor space is provided as a minimum. The proposed flat exceeds this standard and so is acceptable in this regard.

Landscaping – The site layout drawing shows the planting of trees and shrubs in the front garden. It is considered that this would help shield the works from Burton Road and a condition is suggested which would require the applicant to submit a detailed landscaping scheme to ensure that the most suitable trees and shrubs are planted in the front garden.

Impact on Heritage Assets (Albert Park Conservation Area) – The requirement to preserve or enhance the Conservation Area is a key requirement within policy EN3 of the Core Strategy, saved policy DC18 of the UDP, along with the objectives of the NPPF. As such, any new development must seek to retain the character of the area through careful detailing and, where appropriate, the use of compatible materials.

The Albert Park Conservation Area, which was designated in March 1988, is situated approximately four miles south of Manchester city centre, in West Didsbury. Albert Park as a residential suburb was established in the second half of the 19th Century on what was previously an outlying rural area. Development began along Palatine Road after it was opened in 1862, and from then until the close of the century, the area between Palatine Road, Barlow Moor Road and Lapwing Lane was developed with housing. Further expansion took place in the early 20th century, with the post-war period characterised by infill development. Though principally an area of housing, the conservation area also includes a district shopping centre on Burton Road, a smaller group of shops on Barlow Moor Road, schools, public houses and a number of churches.

Given the scale of the proposed amendments and their design and siting, it is not considered that the proposal would have a detrimental impact upon the character and appearance of the Albert Park Conservation Area and as a result the development would cause less than substantial harm to the designated heritage asset.

Objections Raised by Local Residents – The points raised by the local resident are not material considerations in the determination of this planning application.

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 and no significant issues have arisen whilst dealing with the application. The application has been dealt with in a timely manner and in accordance with the Development Plan.

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 the original planning permission (131914/FO/2021) on 2 February 2022.

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:

Location Plan 889-01-001, stamped as received on 29 June 2022
Proposed Floor Plan 889-01-004 P4, stamped as received on 17 February 2023
Proposed Elevations 889-01-007 P2, stamped as received on 29 June 2022
Waste Management Proforma, stamped as received on 3 November 2021

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 materials to be used on the elevations of the development hereby approved, shall be implemented in accordance with the details as set out in the application form and proposed drawings as specified in Condition 2 of this Decision Notice.

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) Before first occupation of the development hereby approved, a scheme for acoustically insulating the proposed residential accommodation against noise from Burton Road shall be submitted to and approved in writing by the City Council as local planning authority. There may be other actual or potential sources of noise which require consideration on or near the site, including any local commercial/industrial premises. The approved noise insulation and ventilation scheme shall be completed before any of the dwelling units are occupied.

Reason - In the interests of residential amenity, to secure a reduction in noise pursuant to saved UDP policies DC26 and DC1 and policies SP1 and DM1 of the Manchester Core Strategy.

5) Prior to first occupation of the basement flat hereby approved, the submitted bin store and cycle store indicated on the approved drawings shall be implemented and made ready for use in accordance with the details as submitted and specified in Condition 2 of this Decision Notice. The bin and bike store shall be retained and maintained in situ at all times whilst the development is in use thereafter.

Reason - In the interests of residential amenity and safeguarding the character of the conservation area, pursuant to policies DM1 and EN3 of the Manchester Core Strategy and Saved UDP Policy DC18.1.

6) No development shall commence until a hard and soft landscaping treatment scheme has been submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Manchester Core Strategy.

7) Prior to first occupation of the development hereby approved, details, including an elevational drawing and site plan, showing the provision of a 7Kilowatt Electric Vehicle Charging Point within the curtilage of the site, shall be submitted to and approved in writing by the City Council as local planning authority. The EV charging point shall be retained and maintained at all times thereafter whilst the development is in use.

Reason - To secure a reduction in vehicle emission and improvements in air quality in accordance with the National Planning Policy Guidance (2021) Chapter 9 (Promoting Sustainable Transport)

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification) no part of any dwelling shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a).

Reason - In the exceptional circumstances of a proliferation of HMO's restricting housing choice and adversely affecting sustainability and in the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policy 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1, H7, H8 and DM1 of the Manchester Core Strategy..

Informatives

1) Informative for condition 4) Noise survey data shall include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary. The following noise criteria shall be required to be achieved:

Bedrooms (night time - 23.00 - 07.00)	30 dB LAeq (individual noise events shall not exceed 45 dB L _{Amax,F} by more than 15 times)
Living Rooms (daytime - 07.00 - 23.00)	35 dB LAeq
Gardens and terraces (daytime)	55 dB LAeq

2) The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with MCC Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

Appendix 1 – List of consultees & neighbours notified

Greater Manchester Police
West Didsbury Residents Association

284 Burton Road, West Didsbury, MANCHESTER, M20 2NB
249 Burton Road, Manchester, M20 2WA
Flat 3, 286 Burton Road, Manchester, M20 2NB
Flat 2, 286 Burton Road, Manchester, M20 2NB
Flat 1, 286 Burton Road, Manchester, M20 2NB
Flat 7, Westfield House, 280 - 282 Burton Road, Manchester, M20 2DH
Flat 4, Westfield House, 280 - 282 Burton Road, Manchester, M20 2DH
Flat 2, Westfield House, 280 - 282 Burton Road, Manchester, M20 2DH
Flat 2, 245 Burton Road, Manchester, M20 2NA
Flat 10, 288 Burton Road, Manchester, M20 2NB
Flat 6, 288 Burton Road, Manchester, M20 2NB
Flat 3, 288 Burton Road, Manchester, M20 2NB
Flat 1, 288 Burton Road, Manchester, M20 2NB
284 Burton Road, Manchester, M20 2NB
Flat 8, Westfield House, 280 - 282 Burton Road, Manchester, M20 2DH
Flat 6, Westfield House, 280 - 282 Burton Road, Manchester, M20 2DH
Flat 5, Westfield House, 280 - 282 Burton Road, Manchester, M20 2DH
Flat 3, Westfield House, 280 - 282 Burton Road, Manchester, M20 2DH
Flat 1, Westfield House, 280 - 282 Burton Road, Manchester, M20 2DH
288 Burton Road, Manchester, M20 2NB
245 Burton Road, Manchester, M20 2NA
Flat 8, 288 Burton Road, Manchester, M20 2NB
Flat B, 288 Burton Road, Manchester, M20 2NB
Flat A, 288 Burton Road, Manchester, M20 2NB
Flat 1, 245 Burton Road, Manchester, M20 2NA
Flat 12, 288 Burton Road, Manchester, M20 2NB
Flat 11, 288 Burton Road, Manchester, M20 2NB
Flat 9, 288 Burton Road, Manchester, M20 2NB
Flat 7, 288 Burton Road, Manchester, M20 2NB
Flat 5, 288 Burton Road, Manchester, M20 2NB
Flat 4, 288 Burton Road, Manchester, M20 2NB
Flat 2, 288 Burton Road, Manchester, M20 2NB
52 Barlow Moor Court, Barlow Moor Road, Manchester, M20 2UX
247 Burton Road, Manchester, M20 2WA
54 Barlow Moor Court, Barlow Moor Road, Manchester, M20 2UX
53 Barlow Moor Court, Barlow Moor Road, Manchester, M20 2UX
51 Barlow Moor Court, Barlow Moor Road, Manchester, M20 2UX
50 Barlow Moor Court, Barlow Moor Road, Manchester, M20 2UX
49 Barlow Moor Court, Barlow Moor Road, Manchester, M20 2UX
48 Barlow Moor Court, Barlow Moor Road, Manchester, M20 2UX
47 Barlow Moor Court, Barlow Moor Road, Manchester, M20 2UX
46 Barlow Moor Court, Barlow Moor Road, Manchester, M20 2UX
45 Barlow Moor Court, Barlow Moor Road, Manchester, M20 2UX
44 Barlow Moor Court, Barlow Moor Road, Manchester, M20 2UX

43 Barlow Moor Court, Barlow Moor Road, Manchester, M20 2UX

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 - Albert Park Conservation Area 1988

Area Team Boundary - Name: SOUTH AREA