

Planning

Growth & Development

Delegated officer report for planning application

Application no.	135706/JO/2022
Date registered valid:	9 December 2022
Proposal:	Variation of conditions 1 (approved drawings) and 15 (sustainability) attached to planning permission 133444/JO/2022 to allow for amendments to the design and an increase in the number of photovoltaic panels
Address:	21 Didsbury Park, Manchester, M20 5LH
Ward(s):	Didsbury East Ward
Applicant:	Mr Kieran Hedges
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:	27 January 2023

Application details

Type of application: Variation or Removal of Condition

Development type: Minor Dwellings

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 21 December 2022 Expired: 11 January 2023

Site notice

Posted: 23 December 2022 Expired: 13 January 2023

Press advert

Published: 27 December 2022 Expired: 17 January 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

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 applicant is proposing to vary conditions 1 and 15 by undertaking the following amendments:

- a) Number of photovoltaic panels on the pitched roof increased (to ensure retention of an EPC A Rating)
- b) Rooflight in pitched roof (to rear) updated
- c) Chimney capping detail updated

Consultations & Notification Responses

Local Residents – 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, 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 or character of the area.

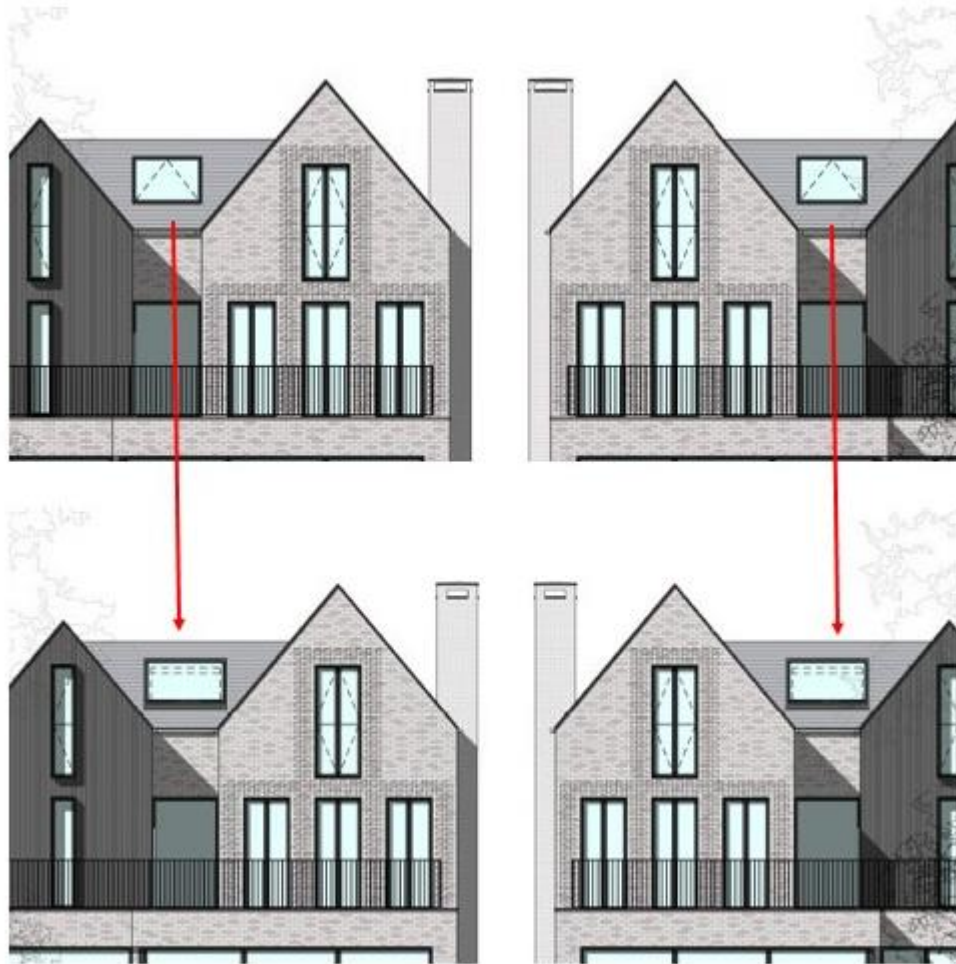
d) Where demolition is to be followed by redevelopment, demolition will be permitted only where there are approved detailed plans for that redevelopment and where the Council has been furnished with evidence that the development will be undertaken.

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

Design – The revisions to the chimney capping and rooflight size is considered acceptable and would not detract from the overall appearance of the proposed dwellings:





Furthermore, it is not considered that the additional PV panels would have a detrimental impact upon the design of the proposed dwellings.

Residential Amenity – The proposed amendments to the scheme would not have a detrimental impact upon the levels of residential amenity enjoyed within the vicinity of the site.

Visual Amenity – It is not considered that the proposed amendments 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 the design and siting of the amendments, it is not considered that the proposal outbuildings would have a detrimental impact upon the overall character of the Didsbury St James Conservation Area and nearby listed buildings.

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 based on seeking solutions to problems arising in relation to dealing with the application, and the application has been determined in accordance with the policies within the Development Plan.

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

1) The development hereby approved shall be carried out in accordance with the following drawings and documents all stamped as received on 5 April 2022:

0179 AL (05)022 P4 ELEVATION KEYS
0179 AL (05)029 P4 BASEMENT
0179 AL (05)030 P4 1F PLAN
0179 AL (05)050 P6 LANDSCAPE PLAN
0179 AL(05)030 P4 GF PLAN
0179 AL(05)032 P3 2F PLAN
0179 AL(06)020 P4 LOCATION PLAN
0179 AL(05)021 P4 SITE PLAN

And the following drawings all stamped as received on 9 December 2022:

0179_AL(05)033_P4 ROOF PLAN
0179_AL(05)035_P6 FRONT AND REAR ELEVATIONS
0179_AL(05)036_P6 SIDE ELEVATIONS
0179_AL(05)037_P6 SIDE ELEVATIONS
0179_AL(05)040_P4 NE ELEVATION
0179_AL(05)041_P6 SW ELEVATION
0179_AL(05)051_P4 FRONT BOUNDARY TREATMENT

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.

2) All materials shall in accordance with the materials specified in Condition Discharge Application reference CDN/21/0173.

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.

3) All landscaping shall in accordance with the approved details. The approved scheme shall be implemented not later than 12 months from the date of this permission. 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, pursuant to policies SP1, EN3 and DM1 of the Manchester Core Strategy and DC18 of the Unitary Development Plan for the City of Manchester.

4) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work".

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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any legislation amending or replacing the same, no windows or doors shall be inserted into the development hereby approved other than those expressly authorised by the granting of planning permission.

Reason - In the interests of protecting residential amenity in regard to privacy, pursuant to saved policy DC1 of the Unitary Development for the City of Manchester Policies DM1 and SP1 of the Manchester Core Strategy.

6) Construction Management shall take place in accordance with the approved details set out in Condition Discharge Application reference CDN/21/0173.

Reason - To safeguard the amenities of nearby residents and highway safety pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

7) Waste Management shall take place in accordance with the approved details set out in Condition Discharge Application reference CDN/21/0173.

Reason - In the interests of residential and visual amenity and public health pursuant to policy DM1 of the Manchester Core Strategy.

8) In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the agreed Remediation Strategy. If no contamination is found, then a post-completion report shall be submitted to evidence this.

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.

9) No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended and to comply with policy EN15 of the Manchester Core Strategy.

10) All excavations left open overnight or longer should be checked for animals prior to the continuation of works or infilling.

Reason - To ensure the protection of species under the Wildlife and Countryside Act 1981 or as subsequently amended and to comply with policy EN15 of the Core Strategy.

11) 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) none of the dwelling houses hereby approved 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 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 policies DM1 and H11 of the Manchester Core Strategy and the guidance contained within the National Planning Policy Framework.

12) Electric Vehicle Charging Points shall take be installed and thereafter retained in accordance with the approved details set out in Condition Discharge Application reference CDN/21/0173.

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

13) The windows to the north elevation of the dwelling to the south of the site and the windows to the south elevation of the dwelling to the north of the site shall be obscurely glazed to a specification of no less than 5 of the Pilkington scale and shall be retained at all times thereafter.

Reason - In the interests of residential amenity and to ensure a satisfactory development, pursuant to policy DM1 of the Manchester Core Strategy.

14) The privacy screen detailed on the submitted drawings shall be erected to the sides of the proposed terraces shall be installed and be retained in perpetuity.

Reason - In the interests of residential amenity pursuant to saved policies DC1 of the Unitary Development Plan for the City of Manchester and policies DM1, and SP1 of the Manchester Core Strategy.

15) Sustainability measure shall be installed and thereafter retained in accordance with the approved details set out in Condition Discharge Application reference CDN/21/0173 and the drawings stamped as received on 9 December 2023 as listed under condition no. 1.

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Manchester Core Strategy and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework (NPPF).

Appendix 1 – List of consultees & neighbours notified

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