

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 136402/NMC/2023

**Date registered valid:** 3 March 2023

**Proposal:** Non-Material Amendment to planning application reference 127696/FO/2020 to allow alteration to the materials on the elevations by removing the timber cladding to the dwelling and reducing the canopy width above the front door

**Address:** Chorlton Villas, 105 Hardy Lane, Manchester, M21 8DN

**Ward(s):** Chorlton Park Ward

**Applicant:** Daniels

**Agent (if any):** Mr Simon Casey BlueChip Architecture Ltd

**Case officer:** Robert Griffin  
Tel: 0161 234 4527  
Email: [robert.griffin@manchester.gov.uk](mailto:robert.griffin@manchester.gov.uk)

**Recommendation:** Approve

**Date of recommendation:** 27.03.2023

## **Application details**

**Type of application:** Non-Material Change Application

**Development type:** Notifications

**Date of site visit:** None required for this type of application

### **Standard consultations:**

No consultations have been printed and sent.

### **Neighbour notifications**

No neighbour notifications have been printed and sent.

### **Site notice**

No site notice has been produced

### **Press advert**

No press advert had been published

**Departure from Development Plan:** No

**Environmental Statement:** Not required

## **Description of site/building**

**Listed building:** Not applicable

**Conservation area:** Not applicable

**Tree Preservation Order:** Not applicable

## **Description of application site**

Chorlton Villas is the name given to a recent housing development at the end of Hardy Lane in Chorlton, Manchester. The site had previously been occupied by student accommodation (137 units in blocks of three and four storeys) and has now been redeveloped with contemporary designed 28 three-storey dwellings, consisting of 15 'linked detached' properties (with single-storey garages) and 13 townhouses. The development is accessed from a single entrance road off Hardy Lane.

The application site relates to a small plot of land to the far west of Chorlton Villas, which adjoins no. 20 Chorlton Villas. It is currently vacant and fenced off and appears to have been partially cleared as part of the construction works for the adjoining development but some tree cover remains.

To the north, the site is bounded by landscaping and beyond that lies the Metrolink Airport Line, while to the south the site adjoins the Chorlton Golf Club. The wider area is characterised by low-rise family housing and public open space. The site is within the Mersey Valley and the Greater Manchester Greenbelt boundary is located to the immediate west and south of the site.

## **Description of proposal**

Planning permission was granted for the erection for the erection of a 3 storey 4 bedroom dwellinghouse with integral one-bedroom annex, the design of the property is intended to reflect the completed development at Chorlton Villas utilising the same materials and detailing finishes under planning reference 127696/FO/2021.

A subsequent Non-material amendment application was approved under reference 131044/NMC/2021 which sought changes to: install additional ground floor windows on the western elevation and amendments to the positioning of the feature cladding between windows on the first floor, enlargement of one of the first floor centrally located windows; rear elevation changes to the ground floor windows and door arrangements to include patio doors to the left hand side as well as the right hand side with an increase in width of this opening together with an enlargement to the centrally located window, at first floor the left and right hand side windows are set in from the sides of the property to a greater extent and the central window is enlarged without the timber feature cladding to the side. On the eastern elevation facing towards existing residential property the side windows approved are to be re-positioned slightly more forward on the side wall and the ground floor window is now to form a secondary access door into the property. These side windows are subject of an obscure glazing condition which would still require to be undertaken although it is proposed to alter the wording though this application to ensure that it relates to the ground floor door and first floor window.

The current alterations seek to remove the timber infill panels and reduce the canopy width above the front door.



**Proposed rear and side elevations – Top as originally approved, middle as previously amended and bottom as currently proposed**



**Front Elevation as proposed to the left and as originally approved to the right**

### Materiality

Section 96A of the 1990 Act (as inserted on 1st October 2009 by sec.190 of the Planning Act 2008) allows a local planning authority in England to make a change to any planning permission relating to land in its area if it is satisfied that the change is not material. In deciding whether a change is material, the authority must have regard to the effect of the change, together with any previous non-material changes, on the planning permission as originally granted.

The application proposals are for amendments to external treatment of some elements of the proposals by the removal of timber infill panels and reduction in size of the front canopy. Overall given the location of the proposed amendments it is considered that the proposed revisions are of a minor nature and would have no more impact upon either visual or residential amenity than the approved scheme or those previously agreed amendments. The amendments would still accord with policies SP1 and DM1 of the Core Strategy and the National Planning Policy Framework (NPPF) and saved policy DC1 of the UDP.

An amendment is required to condition 2 (specified plans) to reflect the revised elevation drawing submitted.

### Consultations & Notification Responses

None required for this type of 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

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

Paragraph 1) The proposed amendments relate to alterations to the external treatment of elevations through the removal of timber infill panels and reduction in size of the canopy to the front elevation.

Paragraph 2) Following an assessment of the details submitted, the Council can confirm that the proposed amendments are considered to be of a non-material nature and acceptable to the City Council as the Local Planning Authority. The City Council is satisfied that the proposed changes will have no significant material impact upon the appearance on the development within the street. It is also considered that the proposals would not have any impact on the amenity of any existing or future residential properties or on the visual amenity of the wider local area.

### **Condition**

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

Site Plan reference 002

Ground floor plan 004

First floor plan 005

Second floor plan 006

Roof plan 007

Landscaping plan 011

Refuse plan 021

Design and Access Statement all prepared by White Box

Update Ecological Appraisal prepared by Aspect Ecology

Phase 3 Drainage layout prepared by Bell Munro

Flood Risk Assessment prepared by LK Consulting April 2014

Waste Management Proforma

All received by the City Council on the 10th August 2020

Drawing 201 and 202 'Proposed floor plans' as received by the City Council as local planning authority on the 21st July 2021

Drawing 210 'Proposed Elevations' as received by the City Council as local planning authority on the 3<sup>rd</sup> 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 Core Strategy.

## **Appendix 1 – List of consultees & neighbours notified**

## **Appendix 2 – Planning constraints**

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Flood Zones Type 2 (low to medium risk) -

Green Belt Land - Green Belt Area (LDF)

Green Belt Land - Greater Manchester Green Belt Local Plan 1984

Historic Landfill Site 250m Buffer -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: SOUTH AREA