

Planning

Growth & Development

Delegated officer report for planning application

Application no.	135883/NMC/2023
Date registered valid:	3 January 2023
Proposal:	Non-Material Amendment to planning permission 135087/FO/2022 to allow for changes to the proposed cladding colour arrangements
Address:	F Duerr And Sons Ltd, Dallimore Road, Manchester, M23 9NX
Ward(s):	Brooklands Ward
Applicant:	Mr N Gallagher, F Duerr & Sons Ltd
Agent (if any):	Damian Riley, Cube Architecture and Design
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	19 January 2023

Application details

Type of application: Non-Material Change Application

Development type: Notifications

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/area

This applicant relates to a large warehouse complex located between Dallimore Road and Floats Road, within Roundthorn Industrial Estate in Brooklands. The area is predominantly industrial with some commercial units.

Listed building: No

Conservation area: No

Tree Preservation Order: No

Description of development

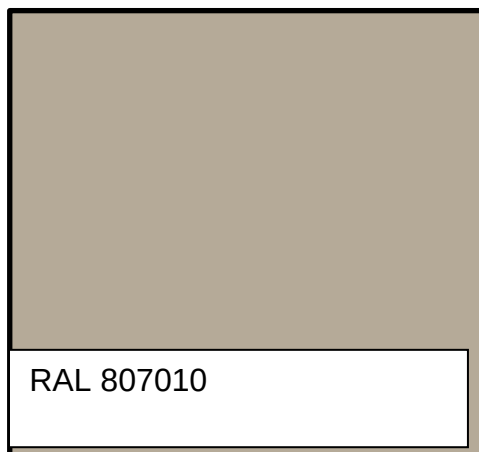
The applicant obtained planning permission in November 2022 to erect an extension to the side of the warehouse. This Non-Material Amendment application is seeking permission to change the colour of the cladding from:



To



and



Consultations & Notification Responses

n/a

Policies

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.

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 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.

Issues

Principle of the Proposal – The principle of the development is considered acceptable, given the previous consent. Notwithstanding this, consideration must be given to the potential impact of the amendments upon existing levels of amenity and pedestrian and highways safety enjoyed within the vicinity of the site.

Design – The design of the proposed extension is still considered acceptable and as can be seen below, the proposed colours would match the existing elevation:



Visual Amenity – It is not considered that the proposed amendments to the cladding colour would have a detrimental impact upon the levels of visual amenity enjoyed within the vicinity of the site.

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

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

1) The details of the proposed amendments are:

a) changes to the colour of the proposed cladding

2) Following an assessment of the details submitted, it is confirmed that the proposed amendments are considered to be of a non-material nature and are considered to be acceptable to the City Council as the Local Planning Authority. The City Council is satisfied that the proposed changes will have no material impact upon the levels of visual amenity and pedestrian and highway safety enjoyed within the vicinity of the site.

3) Condition 2) The development hereby approved shall be carried out in accordance with:

a) the drawings numbered: AS815-05-A and AS815-06-A, along with the Construction Management Plan, stamped as received by the City Council as Local Planning Authority on the 30 September 2022.

b) drawing no. AS815-07-B, stamped as received on 3 January 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.

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

Article 4 Direction - Wythenshawe PD Restriction - Class B1(a) To C3

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

Article 4 Direction - Wythenshawe PD Restriction - Class B1(c) To C3

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 45M

Area Team Boundary - Name: SOUTH AREA