

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133444/JO/2022

Date registered valid: 5 April 2022

Proposal: Variation of condition 1 (specified plans) from planning approval reference 131214/JO/2021 to allow: the omission of the Pergola to rear of House; amendments to the sunken courtyard to House A; alterations to windows; access hatches added to main flat roof

Address: 21 Didsbury Park, Manchester, M20 5LH

Ward(s): Didsbury East Ward

Applicant: Mr Kieran Hedges, 21 Didsbury Park, Manchester, M20 5LH

Agent (if any): Mr Andrew Edmunds, Edmunds Architects, The Colony, Altrincham Road, Wilmslow, SK9 4LY

Case officer: Jennifer Connor
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Email: jennifer.connor@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 16.06.2022

Application details

Type of application: Variation or Removal of Condition

Development type: Minor Dwellings

Date of site visit: 22.04.2022

Standard consultations:

Printed: 12 April 2022 Expired: 3 May 2022

Neighbour notifications

Printed: 12 April 2022 Expired: 3 May 2022

Site notice

Posted: 22 April 2022 Expired: 13 May 2022

Press advert

Published: 19 April 2022 Expired: 10 May 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

The application site (measuring 0.16 hectares) relates to a former large detached dwelling house that is located within Didsbury St James Conservation Area. The property was set back from the highway and benefits from large gardens. It has two separate access points onto Didsbury Park.

Planning permission was granted in 2019 under reference 123880/FO/2019 for the erection of two, three storey detached dwelling houses (six bedrooms) with associated landscaping and car parking following demolition. Conditions for this development were discharged under application CDN/21/0173 on the 16th April to enable commencement of development.

A variation application reference 129428/JO/2021 enabled alterations, including new window and alterations to positions of windows, basement footprint reduction and alterations to sunken courtyards, new pergola to one house, position and number of photovoltaics altered.

A further variation reference 131214/JO/2021 allowed Variation of Condition 2 (Specified Plans) attached to planning permission 129428/JO/2021 to allow alterations to sunken courtyards.

Listed building: Not applicable

Conservation area: Didsbury St James Conservation Area 1970

Tree Preservation Order: Trees protected by virtue of location within Conservation Area

Description of development

Variation of condition 1 (specified plans) from planning approval reference 131214/JO/2021 to allow: the omission of the Pergola to rear of House; amendments to the sunken courtyard to House A; alterations to windows; access hatches added to main flat roof

Consultations & Notification Responses

No comments received

Policy

National Planning Policy Framework (NPPF) - This Framework sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

The NPPF states that where proposed development accords with an up-to-date Local Plan it should be approved. The proposals would create additional residential accommodation in a sustainable location and as set out in this report are indicated as being in accordance with the up to date Core Strategy Development Plan Document and therefore accord with the main principles and expectations of the revised National Planning Policy Framework.

Manchester Core Strategy

Local Development Framework

The relevant development plan in Manchester is the Core Strategy Development Plan Document 2012-2027 (the "Core Strategy"), adopted in July 2012, and the saved policies from the Manchester Unitary Development Plan (UDP), adopted July 1995. The Core Strategy is the key document and 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. The proposals are considered to be consistent with the following Core Strategy Policies EN3, H1, H6, EN1, SP1 and DM1.

Policy EN3 - Heritage

States that 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 listed buildings and conservation areas. The application relates to a site within the Didsbury St James Conservation Area as set out within this report and to the south of the Grade II listed property known as Pine House at 23 Didsbury Park.

Policy H1 - Housing

States that new residential development should contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing population. The design and density of a scheme should contribute to the character of the local area and should include usable amenity space and be designed to give privacy to both residents and neighbours. The guidance also refers to the delivery of policies that will result in significant increases to the supply of housing, specifically stating that housing applications should be considered in the context of the presumption in favour of sustainable development.

Policy H6 - Housing

States that 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. The application relates to the creation of two dwelling houses with South Manchester area.

Policy EN1 - Design Principles and Strategic Character

States that development in Manchester will be expected to have regard to the strategic character area in which the development is located and opportunities for good design should be fully realised.

Policy SP1 - Spatial Principles

This policy sets out the key spatial principles which will guide the strategic development of Manchester to 2027 and states that outside the City Centre and the Airport the emphasis is on the creation of neighbourhoods of choice. It also sets out the core development principles, including: creating well designed places, making a positive contribution to health, safety and well-being, considering the needs of all members of the community, and protecting and enhancing the built and natural environment.

Policy DM1 - Development Management

This policy seeks to ensure that new development contributes to the overall aim of the Core Strategy. The issues which should be considered are those which will ensure that detailed aspects of new development complement the Council's broad regeneration priorities in particular by contributing to neighbourhoods of choice.

Issues relevant to this scheme are: siting, layout, scale, form, massing; impact on surrounding area in terms of design, scale and appearance and effects on amenity.

Saved UDP Policies

The following saved UDP policy needs to be considered in relation to the application.

Policy DC18.1 - Conservation Areas

Saved policy DC18.1 states that the Council will give particularly careful consideration to development proposals within Conservation Areas.

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 street trees);
- iv. the effect of signs and advertisements;
- v. 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.
This is of particular relevance to this application under consideration.

Policy DC19 Listed Buildings

DC19.1 In determining applications for listed building consent or planning applications for development involving or having an impact on buildings of Special Architectural or Historic Interest, the Council will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protecting their general setting. In giving effect to this policy, the Council will:

- a. not grant Listed building consent for the demolition of a listed building other than in the most exceptional circumstances, and in any case, not unless it is satisfied that every possible effort has been made to continue the present use or to find a suitable alternative use;
- b. not permit a change of use of a listed building, where it would have a detrimental effect on the character or appearance of the building;
- c. not permit any external or internal alteration or addition to a Listed building where, in its opinion, there would be an adverse effect on its architectural or historic character;
- d. seek to preserve and enhance the settings of listed buildings by appropriate control over the design of new development in their vicinity, control over the use of adjacent land, and where appropriate, by the preservation of trees and landscape features;
- e. permit demolition only where there are approved detailed plans for redevelopment and where there is evidence of a firm building contract;
- f. not permit alterations to a listed building which would prevent the future use of any part of the building, in particular upper floors or basements, or where poor maintenance is likely to result.

This is of particular relevance to this application under consideration as application site shares a boundary with a listed building and is in close proximity to another.

Other Material Considerations

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007)

This guide establishes the Council's principles in relation to design across the city and is a material consideration in the assessment of planning applications. In relation to development within conservation areas, the SPD advises that it should:

"preserve or enhance the character of the conservation area. It is important that new developments in conservation areas or elsewhere are not designed in isolation. This does not prevent or inhibit creative design. Considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings, but also to the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development."

Residential Quality Guide

Sets out the direction for the delivery of sustainable neighbourhoods of choice where people will want to live and also raise the quality of life across Manchester and was approved by the Executive at its meeting on 14 December 2016. The guidance has been produced with the ambition, spirit and delivery of the Manchester Strategy at its heart. The delivery of high-quality, flexible housing will be fundamental to ensuring the sustainable growth of Manchester. To achieve the City's target of carbon

neutrality by 2038, residential schemes will also need to be forward thinking in terms of incorporating the most appropriate and up to date technologies to significantly reduce emissions. It is therefore essential for applicants to consider and integrate the design principles contained within the draft guidance into all aspects of emerging residential schemes. In this respect, the guidance is relevant to all stages of the development process, including funding negotiations, the planning process, construction and through to operational management.

The guidance sets standards for securing high quality and sustainable residential development in Manchester. The document includes standards for internal space within new dwellings and is suitable for applications across all tenures. It adopts the nationally described space standards and this has been applied to an assessment of the size and quality of the proposed houses.

South Manchester Regeneration Framework

South Manchester is identified as an area with a rich and diverse group of neighbourhoods, with a wide range of issues and needs. Some areas are already successful, so the SRF is needed to help continue and build on this success. Other areas, in contrast, have particular issues that the SRF will help to tackle, such as poor housing and high levels of deprivation and worklessness.

The opportunity for the SRF is to build on and improve its assets – the distinctive, successful neighbourhoods and centres, the high quality parks and the strong heritage and character of South Manchester – and use these as a model to drive forward the future of the area. These qualities should be applied across South Manchester to raise the quality of the built environment and expand the number of successful neighbourhoods.

The SRF identifies a key issue for the area as providing a wider choice of housing to attract and retain residents. The SRF states future housing developments need to focus on providing high-quality family accommodation. It identifies that high-quality sustainable new housing developments should meet the housing needs of the existing and future population of South Manchester.

The Manchester Green and Blue Infrastructure Strategy (G&BIS)

The G&BIS sets out objectives for environmental improvements within the City in relation to key objectives for growth and development.

Building on the investment to date in the city's green infrastructure and the understanding of its importance in helping to create a successful city, the vision for green and blue infrastructure in Manchester over the next 10 years is: By 2025 high quality, well maintained green and blue spaces will be an integral part of all neighbourhoods. The city's communities will be living healthy, fulfilled lives, enjoying access to parks and greenspaces and safe green routes for walking, cycling and exercise throughout the city. Businesses will be investing in areas with a high environmental quality and attractive surroundings, enjoying access to a healthy, talented workforce. New funding models will be in place, ensuring progress achieved by 2025 can be sustained and provide the platform for ongoing investment in the years to follow.

Four objectives have been established to enable the vision to be achieved:

1. Improve the quality and function of existing green and blue infrastructure, to maximise the benefits it delivers
2. Use appropriate green and blue infrastructure as a key component of new developments to help create successful neighbourhoods and support the city's growth
3. Improve connectivity and accessibility to green and blue infrastructure within the city and beyond
4. Improve and promote a wider understanding and awareness of the benefits that green and blue infrastructure provides to residents, the economy and the local environment.

Legislative requirements

Section 66 of the Listed Building Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Without prejudice to section 72, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.

Section 72 of the Listed Building Act 1990 provides that in considering whether to grant planning permission for development that affects the setting or character of a Conservation Area the local planning authority shall have special regard to the desirability of preserving or enhancing the character or appearance of that area.

Section 149 Equality Act 2010 provides that in the exercise of all its functions the Council must have regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between person who share a relevant protected characteristic and those who do not. This includes taking steps to minimise disadvantages suffered by persons sharing a protect characteristic and to encourage that group to participate in public life. Disability is a protected characteristic.

Section 17 Crime and Disorder Act 1998 provides that in the exercise of its planning functions the Council shall have regard to the need to do all that it reasonably can to prevent crime and disorder.

Issues

Impact on the Didsbury St James Conservation Area and Listed Buildings

When considering the changes to the scheme reference was made back to the originally approved scheme, the conditions applied, the condition discharge application and the previous variations approved.



Previously approved



Front Elevation



Previously approved



Rear Elevation



Previously approved



Inside elevations



Previous Approval



Outside elevations

Site Plan comparison (before and after)



Variations Proposed

- Pergola to rear of House A omitted
- Sunken courtyard to House A reduced and a glazed window added to create a new enclosure within the basement/sunken courtyard
- The operation and configuration of some window have been changed (overall window size remains the same)
- Ground floor window to rear of House A (into the kitchen) reduced in width
- Some windows to the side elevations (into the stair) on both houses slightly reduced in height
- Access hatches added to main flat roof

The proposal is for two 6 bedroom family dwellings which are considered to be appropriate and acceptable in this location. The amended design of the dwellings has paid sensitive regard to the context and setting of the Didsbury St. James Conservation Area and the Grade II listed Pine House to the north. The proposed alterations would not have any amenity implication for the residential amenity of any neighbouring property and an acceptable landscaping scheme would remain in place, there are no implications for trees.

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

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

0179 AL (05) 051 P3	FRONT BOUNDARY TREATMENT
0179 AL (05)022 P4	ELEVATION KEYS
0179 AL (05)029 P4	BASEMENT
0179 AL (05)030 P4	1F PLAN
0179 AL (05)037 P5	SIDE ELEVATIONS
0179 AL (05)041 P5	SW ELEVATION
0179 AL (05)050 P6	LANDSCAPE PLAN
0179 AL(05)030 P4	GF PLAN
0179 AL(05)032 P3	2F PLAN
0179 AL(05)033 P3	ROOF PLAN
0179 AL(05)035 P5	FRONT AND REAR ELEVATIONS
0179 AL(05)036 P5	SIDE ELEVATIONS
0179 AL(05)040 P3	NE ELEVATION
0179 AL(06)020 P4	LOCATION PLAN
0179 AL(05)021 P4	SITE PLAN

Received 5th April 2022

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.

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 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 Core Strategy for the City of Manchester 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 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 Development Plan Document.

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 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 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 Core Strategy for Manchester 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 (2012).

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 obscure 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 Core Strategy for the City of Manchester.

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 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.

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the 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

Didsbury Civic Society
List of properties notified on Uniform

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) -
Area Team Boundary - Name: SOUTH