

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133528/JO/2022

Date registered valid: 24 April 2022

Proposal: Variation of condition number numbers 2 (specified plans) and 10 (on-site car parking) attached to planning approval reference 124311/FO/2019 to remove the provision of car parking on-site

Address: 1-6 Westwood Cottages, Raby Street, Manchester, M14 4SU

Ward(s): Moss Side Ward

Applicant: Ms Judy Noah One Manchester Lovell House, 6 Archway, Manchester, M15 5RN

Agent (if any): Ms Kim Ebling Corstorphine + Wright Architects The Stables, Paradise Wharf, Ducie Street, Manchester, M1 2JN

Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 15 June 2022

Application details

Type of application: Variation or Removal of Condition

Development type: Minor Other

Date of site visit: 12.05.2022

Standard consultations:

Printed: 9 May 2022 Expired: 30 May 2022

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

Posted: 12 May 2022 Expired: 2 June 2022

Press advert

Published: 17 May 2022 Expired: 7 June 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area: NA

Tree Preservation Order: NA

Description of area

Westwood House was erected in 1876 as six Almshouses by John Robinson of Atlas Works in memory of his sister Edith Marianne Robinson. The site is approximately 2 miles from Manchester City centre which lies to the North of the site with very good transportation links and easy access to the local amenities/facilities. Located in Moss Side, Westwood House is sited along Barnhill Street, fronting Raby Street and to the east is bounded by Westwood Street. The buildings surrounding the site are mainly a mix of traditional built brick houses and new builds, all being interspersed by green space. There are varying architectural styles surrounding the site. The site to the immediate west of the site is currently nearing completion for a high density apartment scheme.

The building comprises six Almshouses and is grade II listed. It lies within its own grounds, lawns to the north, east and west. To the south a series of rear yards are located, one for each of the six dwellings.

Description of development

Planning permission was granted under reference 124311/FO/2019 for the erection of single storey extensions and creation of car parking area to serve the refurbished almshouses which have undergone extensive repair, refurbishment project to make them fit for habitation under the linked listed building consent reference 124312/LO/2019.

The current application seeks to remove condition 10 from the planning approval and amend the specified plans condition so the scheme is not required to provide the car parking area as set out on the approved plans.

The development has commenced and is nearing practical completion.

Consultations & Notification Responses

A site notice was posted at the site an advert was published in the Manchester Evening News, no responses were received.

MCC Highway Services - Recognise that the dwellings were in-situ and originally were not served by dedicated off street car parking and the site is well accessed by sustainable modes. Whilst they recommend monitoring of parking demands they offer no objection to the application proposals.

Policy

Section 38(6) of the Planning Act states that the determination of planning applications must be made in accordance with the Development Plan, unless other material considerations indicate otherwise. This establishes the Development Plan as the primary decision making document when considering planning applications. In this instance the development plan currently comprises the 'the Manchester Core Strategy (2012); and saved policies of the Unitary Development Plan for Manchester (1995).

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 T2, Accessible areas of opportunity and need - Seeks to ensure that new development is easily accessible by walking/cycling/public transport; provided with an appropriate level of car parking; and, should have regard to the need for disabled and cycle parking.

Policy DM1, Development Management - This policy states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- o Appropriate siting, layout, scale, form, massing, materials and detail.
- o 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.
- o 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.
- o Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- o Community safety and crime prevention.
- o Design for health.
- o Adequacy of internal accommodation and external amenity space.
- o Refuse storage and collection.
- o Vehicular access and car parking.
- o Effects relating to biodiversity, landscape, archaeological or built heritage.
- o Green Infrastructure including open space, both public and private.
- o The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- o Flood risk and drainage.
- o Existing or proposed hazardous installations.
- o Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques

Saved UDP Policies - Policy DC19 is considered of relevance in this instance:

Policy DC19.1 states that 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.

The National Planning Policy Framework (July 2021)

The National Planning Policy Framework (NPPF) 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 NPPF is a material consideration in planning decisions.

Legislative Requirements

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of the power to determine planning applications for any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Issues

Principle

The original proposals incorporated on site car parking for the refurbished almshouses, although previously the properties were occupied with no dedicated on site car parking facilities and could have been re-occupied following refurbishment without car parking provided. It is considered that this is a material consideration in the acceptability of the proposal to remove condition 10 of the planning approval requiring the car parking to be laid out and demarcated. Further consideration is therefore required in respect of the impacts on the setting of the Listed Building and highways.

Highways - MCC Highway Services have reviewed the proposals and raise no objections to the proposals from a highway capacity or safety point of view. The recommended monitoring of car parking demands arising is noted but as the original approval only sort minor extensions to the Cottages and provision of the car parking it is not considered that the development would give rise to demands of a different profile to those if the extensions had not been constructed. As such it is not considered reasonable or necessary to impose separate conditions on any approval. It is noted that the site is in an accessible location and there are close by amenities and services within the Hulme District Centre and along Princess Road.

Setting of the Grade II Westwood Cottages - In determining the original planning approval it was noted that the creation of the on-site car parking area to the western side of the building was identified as a minor negative impact as a result of the loss of some of the amenity grassed area situated around the building. Mitigation was to be through appropriate landscaping to the car parking area to minimise its visual impact is proposed. The area of car parking utilised that part of the site which did not have an in situ boundary wall and would not result in the loss of historic fabric in this area. As such the removal of the car parking, associated hard surfacing and vehicular access into the site is considered to have minor beneficial impact on the setting of the listed building.

It is noted that a landscaping scheme was to be prepared to be mitigated the car parking area and tree loss, no proposals have been submitted with this application and it is noted that the applicant has submitted a separate application to vary the landscaping condition. As such an condition is reimposed onto this approval to understand the landscaping of the site and boundary treatments to be installed given areas of this were missing when the original approval was granted which was to be improved as part of the creation of the car park. A 3 month time period has been appended to that condition for details to be provided which given the current progress on site is considered reasonable and necessary.

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

The application has been determined in a positive and proactive manner. In this instance no issues have arisen and a decision has been issued within statutory timescales.

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:

0110 REV 01 Proposed First Floor Plan

0111 REV 01 Roof Plan

0112 REV 01 Elevation Sheet 1

0113 REV 01 Elevation Sheet 2

Design and Access Statement July 2019

Bat Survey Report (preliminary day-time survey)

Flood Risk Assessment prepared by Marston and Grundy LLP reference 11741

All received by the City Council as local planning authority on the 23rd July 2019

1805/P/01 Rev A Tree Survey/Protection

Received by the City Council as local planning authority on the 31st July 2019

0109 REV 01 Proposed Ground Floor Plan

All received by the City Council as local planning authority on the 26th September 2019

Bat Survey Report (preliminary day-time survey) Report Date: 7/10/19 received by the City Council as local planning authority on the 9th October 2019

Condition discharge details submitted under references: CDN/22/0174; CDN/21/0255

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) 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 EN18 of the Unitary Development Plan for the City of Manchester.

3) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained within the approved drawings, documents and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the use or occupation of the phase of development within which the retained tree is located for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Evidence of the installation of fencing shall be supplied in writing to the City Council as local planning authority prior to any works commencing on site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

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 SP1 and DM1 of the Core Strategy

4) 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.

5) Within 3 months of the date of this decision a hard and soft landscaping scheme shall be submitted and approved in writing by the City Council as local planning authority. The submitted scheme shall include the details of the species, size, location and timescale of the replacement trees to be planted; the type, height and specification of boundary treatments to be installed; and, details of the materials to be used on the surfaces of footpaths within the site. The development shall be carried out in accordance with the approved scheme and evidence that the replacement scheme has been implemented shall be submitted to and approved by the City Council within one month of the planting of the trees. 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 the implementation of a suitable tree replacement scheme as set out within the approved drawings and documents pursuant to policy EN9.

6) The development shall be carried out in accordance with the materials approved under condition discharge application CDN/21/0255 to be used in the external elevations of the extensions hereby approved shall be submitted to and approved in writing by the City Council as local planning authority. Thereafter the development shall be carried out in accordance with those details.

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.

7) The development shall be carried out in accordance with the Flood Evacuation plan as submitted to the Council on the 24th May 2022 together with details contained within the MCC Construction Note received under condition discharge reference CDN/22/0174 on the 22nd March 2022.

Reason: To reduce the risk of flooding pursuant to national policies within the NPPF and local policy EN14.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (as amended) none of the dwellinghouses 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, 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.

Appendix 1 – List of consultees & neighbours notified

Highway Services

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) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH