

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
088670/JO/2008/S1	22nd Dec 2008	20th Aug 2009	Whalley Range Ward
<b>Proposal</b>	Variation of Condition 3 attached to planning permission 080304/FO/2006/S1 to change the elevation of the approved first floor extension and render the existing building		
<b>Location</b>	Brantingham Court, 1-18 Alexandra Road South, Whalley Range, Manchester, M16 8QG,		
<b>Applicant</b>	Bellminster Ltd, Mr Karl Nolan, 125 Egerton Road South, Chorlton, Manchester, M21 0XN		
<b>Agent</b>	Donn Design Ltd, 51 Greek Street, Stockport, M20 6SP		

### **Description**

Brantingham Court is a 1930's style two storey flat roofed residential development comprising 12 self-contained flats. The building is located at the junction of Brantingham Road and Alexandra Road South. The building has an 'L' shaped footprint with frontages to both roads. There are landscaped strips to both roads and the Alexandra Road South frontage contains a number of mature trees. Along Brantingham Road there is a further row of mature trees though these are set in the grass verge between the footpath and the carriageway. At the rear of the property is a courtyard containing a block of 5 garages and an area used for off-street parking. The buildings are now showing their age and in need of investment.

Adjoining the site to the north and west of the site is a modern, late 1990's development, of two and three storey houses. Facing the site across Brantingham Road is the KD grammar School, which occupies Hartley Hall a Grade II Listed Building. Across Alexandra Road South is a large detached dwelling and English Martyrs RC Church and Presbytery, the Church is Listed Grade II.

In April 2007 planning permission was granted for the erection of a second floor to the existing building, ref 080304/FO/2006/S1. The extension would provide an additional four flats and the existing garage block was to be demolished to enable the courtyard to provide parking at one space per flat for the whole development. There would be no private amenity space, however, it was considered that the residential and visual amenity of the area would benefit for the proposed improvements to the building, and to off-set the lack of private amenity space an agreement under s106 of the act was entered into whereby the developer would pay a sum of money to the City Council for the provision of more street trees in the immediate area to off-set the shortage of amenity space.

Subsequently the developer revised the elevations for the second floor and also sought more extensive alterations to the elevations of the existing building. This current application seeks approval for these changes by varying the specified plans condition, condition no.3, attached to the original planning permission, ref 080304/FO/2006/S1. The proposed second floor would have a flat roof with a

substantial oversail to the road frontages and on these elevations the extension would be recessed to provide small balconies. The palette of material would be contemporary and would extend to rendering the existing building. The overall appearance would be of a contemporary styled building holding what is a prominent corner site. In all other respects the development remains unchanged.

The City Solicitor has been in contact with the applicant's agent regarding the signing of a deed of variation for the s106 and whilst initial indications were that the applicant would agree to this, he has not responded to the City Council's attempts to open a formal dialogue.

### **Consultations**

Local Residents - four sets of representations have been received from local residents, Two seeking clarification as to what the development entailed and two objecting to the proposal.

The grounds for objection are:

1. In the current climate it is unlikely that the developer will be able to let the new flats, others in the area have been vacant for 18 months. Vacant flats will reduce the value of other properties in the area.
2. The additional floor will block light to the surrounding properties.
3. The elevation will be an eyesore and will not fit the surrounding architecture.
4. There are no objections to the loss of the garage block.
5. The proposed development will devalue existing homes and would not add to the local environment.

### **Issues**

Unitary Development Plan - The relevant policies within the plan are H2.2 and H2.7.

Policy H2.2 seeks to protect the amenity of residents from the adverse impact of development.

Policy H2.7 requires new residential developments to be of a high standard of design.

Regional Spatial Strategy - The RSS was adopted as part of the Development Plan for the City of Manchester in September 2008. The relevant policies are:

DP1 Which sets down the Spatial principles that underpin the RSS

DP2 Which seeks to promote sustainable communities

DP4 Which looks to make the best use of existing resources and infrastructure

DP7 Require new developments to promote environmental quality

Principle - The principle of the provision of a second floor containing four self contained flats was established in the granting of planning permission 080304/FO/2006/S1 in April 2007. However, this permission was an on-balance decision where it was felt that the advantages to be gained from the improvements to the appearance of the building and the provision of more street trees through a s106 agreement, off-set the lack of amenity space for the residents of the enlarged Brantingham Court.

Disabled access - There are no lifts within the development and therefore only the ground floor flats are potentially accessible. There is no increase in accessible accommodation arising from this scheme.

Crime and Disorder - The proposed development does not impact on the security of the existing building.

Design - The existing building is showing its age and is in need of major renovation. The proposed alterations would rejuvenate the property and could result in a landmark building occupying what is a prominent location. The immediate area contains a variety of buildings of varying sizes, architectural styles and palette of materials. The proposed alterations would add to this varied tapestry.

Overdevelopment - this is a small site of 0.14 ha and the existing 12 flats represent an intensive use of it. There is no private amenity space for these flats and a large part of the rear courtyard is taken up with a block of garages, which will be demolished as part of this development. Whilst the proposed additional flats would have small balconies these are no substitute for soft landscaping and if the site were being redeveloped from scratch it could not accommodate 16 flats.

Residential Amenity - The elevations of the proposed second floor that faces the adjacent residential properties contains bedroom and bathroom windows, the latter being obscurely glazed, and 18 metres from the nearest site boundary. The main habitable windows and the balconies face Brantingham Road and Alexandra Road South. There will not be any overlooking issues arising from the proposed development. In general the physical impact of the additional floor will have no impact on the adjacent properties with the exception of 78 Alexandra Road South. In this case the existing two storey gable wall is close to the boundary with the rear garden, however, it is not considered that the additional floor would result in a significant worsening of the existing situation.

Amenity Space - Amenity space comes in two forms, public areas that provide an aesthetically pleasing setting in which the building can sit and make a positive contribution to the area and with which this development is well catered and private space for the recreational use of residents, The proposed

development provides no private amenity space for the residents, the comparatively small balconies by virtue of being at the front of the property are not private.

Trees - None of the existing trees are lost to the development.

Section 106 Agreement - In granting the original planning permission it was considered that the advantages to the local environment achieved through the improvements in the appearance of the building and the planting of more trees in the local area would mitigate against the lack of amenity space for the residents of the development. The applicant was made aware of this and a dialogue had been opened between the City Solicitor and the applicant's agent with a view to the signing of a Deed of Variation to the original s106. The agreement would be the same as the earlier one in terms of the financial obligation.

Conclusion - Whalley Range is typified by large numbers of trees, both in gardens and in the street, and extensive areas of soft landscaping to the front and rear of properties. Without the additional planting of street trees financed through a section 106 agreement and the improvements to the wider environment that such planting would bring, the harm arising from the absence of soft landscaping/amenity space within the development is considered to be too great and would result in an overdevelopment of the site that would have a detrimental impact on the visual amenity and character of the area.

**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 the right to a fair hearing and to this end the Committee 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 Unitary Development Plan, the Head of Planning 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. He believes that any restriction on these rights posed by the refusal of the application is proportionate to the wider benefits of refusal and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

**Recommendation      REFUSE**

### **Conditions and/or Reasons**

1) The proposed development by reason of the lack of private amenity space and soft landscaping would result in the overdevelopment and overintensive use of the site to the detriment of the environment and character of the area.

The proposed development is therefore contrary to the provisions of policies H2.2 and H2.7 of the Unitary Development Plan for the City of Manchester and the Guide to Development in Manchester which is a Supplementary Planning Document.

**Local Government (Access to Information) Act 1985**

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 088670/JO/2008/S1 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

**The following residents, businesses and other third parties in the area were consulted/notified on the application:**

Whalley Range Forum  
1 to 11 Woodacre  
Flats 1 to 12 Brantingham Court,  
76, 78 Alexandra Road South,  
Flat 1 to 6, 31 Alexandra Road South,  
41 Alexandra Road South, Manchester, M16 8GH  
62, 62a, 62b Brantingham Road,  
K D Grammar School For Boys, Hartley Hall, Alexandra Road South,

**Representations were received from the following third parties:**

62 and 62c Brantingham Road,  
1 and 3 Woodacre

**Relevant Contact Officer :** Dave Morris  
**Telephone number :** 0161 234 4539  
**Email :** d.morris@manchester.gov.uk