

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131200/FO/2021

Date registered valid: 29 July 2021

Proposal: Erection of dwellinghouse following demolition of the existing dwellinghouse, together with the erection of a single storey outbuilding in rear garden

Address: 409 Wilbraham Road, Manchester, M21 0UT

Ward(s): Chorlton Park Ward

Applicant: Mr. Tayyab Akhlaq, 409 Wilbraham Road, Manchester, M21 0UT

Agent (if any): Mr. Niamat Ali, NA Design, 47 Egerton Road South, Manchester, M21 0YW

Case officer: Jennifer Connor
Tel: 0161 234 4545
Email: jennifer.connor@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 20.10.2021

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Standard consultations:

Printed: 13 August 2021 Expired: 3 September 2021

Neighbour notifications

Printed: 30 September 2021 Expired: 14 October 2021

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

The site is occupied by a detached two storey building within a predominantly residential area.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

Erection of dwellinghouse following demolition of the existing dwellinghouse, together with the erection of a single storey outbuilding in rear garden

Consultations & Notification Responses

None Received

Environmental Health – Raised no objections to the planning application subject to the imposition of conditions requiring a construction management plan, acoustic insulation, refuse and electric vehicle charging.

Highways – Raised no objections to the planning application subject to the imposition of conditions requiring electric vehicle charging and a construction management plan

Issues

Policy

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.

Policy DM 1 - Development Management

Policy SP1 - Spatial Principles

The National Planning Policy Framework (NPPF)

For reasons to be outlined below, it is considered the proposal accords with the principles of this policy document.

Principle - The proposal is for the erection of a 2 storey detached dwelling house with accommodation in the roof space following demolition of the existing dwelling together with the erection of a single storey outbuilding in rear garden which is considered to be acceptable.

Notwithstanding this, consideration must be given to the proposed developments siting, design, appearance, scale and massing, and to the proposal's impact upon existing levels of residential amenity.

Siting – This application follows on from application 129026/FO/2020 which was withdrawn. The front wall of the property would sit in the same position as the property to be demolished. The single storey element to the frontage would be reduced in footprint. The width of the property would not be significantly expanded (having regard to the existing single storey lean-to to the side) with gaps maintained to the boundary with No. 407 and 411 Wilbraham Road. The property would extend further south into the site than the existing dwelling on site.

Design and Appearance – Details of the materials were included on the submitted application forms, a condition requiring submission of final materials is appended, which is considered to be acceptable.

Scale and Massing - The roof form would not be typical of this part of Wilbraham Road, however examples of the pitch and ridge width do exist further to the west on Wilbraham Road beyond the junction with Wyverne Road to the south side of Wilbraham Road.

Residential Amenity – On the scheme initially submitted there were concerns expressed about the impact of the projection south into the garden of the replacement dwelling upon occupants of neighbouring property at No. 407 Wilbraham Road. There are extensions of scale at No. 411 Wilbraham Road that negate any such impact. The applicant has responded by removing a projecting rear gable, hipping the roof form and reducing the projection to the east of the site by 1m, so that there would be a similar relationship as exists between 411 and 409 as existing. It is not considered that any impact upon the neighbour at No. 407 Wilbraham Road in terms of loss of light (having regards to the orientation) / overbearing impact (with regards to the projection beyond the rear building line and the gap to the boundary provided) would be so undue as to warrant the refusal of planning consent. Windows to the front and rear would not provide any further overlooking than from the existing property. Windows to the side elevations facing 407 and 411 would be conditioned to be obscurely glazed.

Waste collection - The residents would have ample space to store bins in a location which is not obtrusive within the street scene. However, details of this are required by condition.

Parking – Substantial off street car parking space could be accommodated on site. Details of hard landscaping, soft landscaping and boundary treatment are required by condition.

Sustainability and energy efficiency - Policies SP1 and EN4 to EN6 of the Core Strategy focus on reducing emissions and achieving low and zero carbon developments. Policy EN4 in

particular, requires the application of the energy hierarchy to ensure that passive measures, energy efficiency and low and zero carbon generation options are considered. It is noted that policy DM1 of the Core Strategy requires that a Code for Sustainable Homes rating criteria is achieved. However, on the 26 March 2015 the Code assessment criteria was revoked by Royal Assent. Whilst the assessment criteria has been revoked, it is still important to understand how a development performs, particularly in respect of waste efficiency and energy standards. A condition has been applied to require the submission of an Environmental Standards report.

Conclusion - The proposal is considered acceptable in this location in terms of design, scale and massing and it is not considered that the proposal would create any undue loss of amenity to neighbouring occupiers, nor that of the present and future occupiers of the application site. The proposal therefore complies with policies DM1 and SP1.

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 planning application. The proposal is considered to be acceptable and has been determined in a timely manner.

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

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

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

P03 - PROPOSED FLOOR PLAN REV C
P03 - PROPOSED FLOOR PLAN
P05 - PROPOSED ELEVATION
P06 - LOCATION PLAN

Received 29 September 2021.

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.

3) Final samples and specifications of all materials (including appropriate sections to the windows) to be used on the external elevations of the development hereby permitted shall be submitted for approval in writing by the City Council, as Local Planning Authority prior to the erection of the above ground structure. The approved materials shall then be used in the construction of the development.

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 Manchester Core Strategy.

4) Before first occupation of the extensions approved, the windows to the side elevations facing 407 and 411 Wilbraham Road shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

5) Above-ground construction works shall not commence until a hard and soft landscaping treatment scheme, to include details of boundary treatment, has been submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. 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 that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Manchester Core Strategy.

6) 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) no garages, outbuildings or extensions shall be erected other than those expressly authorised by this permission.

Reason - To ensure the satisfactory development of the site and in the interest of residential and visual amenity, pursuant to policy DM1 of the Core Strategy.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any purpose

other than the purpose(s) of Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the exceptional circumstances of a proliferation of HMOs restricting housing choice and adversely affecting sustainability and in the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through the provision of accommodation that is suitable for people living as families pursuant to paragraph 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1 and DM1 of the Core Strategy for the City of Manchester.

8) 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) no windows shall be inserted into the elevations of the dwellinghouses hereby approved other than those shown on the approved drawings listed in condition 2.

Reason - In the interests of residential amenity pursuant to policy SP1 and DM1 of the Core Strategy for the City of Manchester.

9) No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- o A construction programme including phasing of works;
- o 24 hour emergency contact number;
- o Expected number and type of vehicles accessing the site: o Deliveries, waste, cranes, equipment, plant, works, visitors; o Size of construction vehicles; o The use of a consolidation operation or scheme for the delivery of materials and goods; o Phasing of works;
- o Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction): Programming; Waste management; Construction methodology; Shared deliveries; Car sharing; Travel planning; Local workforce; Parking facilities for staff and visitors; On-site facilities; A scheme to encourage the use of public transport and cycling;
- o Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
- o Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- o Locations for storage of plant/waste/construction materials;
- o Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
- o Arrangements to receive abnormal loads or unusually large vehicles;
- o Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
- o Any necessary temporary traffic management measures;
- o Measures to protect vulnerable road users (cyclists and pedestrians);
- o Arrangements for temporary facilities for any bus stops or routes;
- o Method of preventing mud being carried onto the highway;
- o Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Manchester City Council encourages all contractors to be 'considerate contractors' when working in the city by being aware of the needs of neighbours and the environment. Membership of the Considerate Constructors Scheme is highly recommended.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development, pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester.

10) Prior to first occupation of the development hereby approved, details of the measures to be incorporated into the development to allow for the provision of electric vehicle charging points shall be submitted in writing to the local planning authority for approval and shall be implemented in full and made available for use. The approved scheme shall remain available for use whilst the development is occupied.

Reason - To promote sustainable development and in the interests of residential amenity, pursuant to Policies DM1 and EN16 in the Manchester Core Strategy (2012).

11) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from Wilbraham Road shall be submitted to and approved in writing by the City Council as local planning authority. There may be other actual or potential sources of noise which require consideration on or near the site, including any local commercial/industrial premises. The approved noise insulation scheme shall be completed before any of the dwelling units are occupied.

Noise survey data must include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary. The following noise criteria will be required to be achieved:

Bedrooms (night time - 23.00 - 07.00)	30 dB LAeq (individual noise events shall not exceed 45 dB L _{Amax,F} by more than 15 times)
Living Rooms (daytime - 07.00 - 23.00)	35 dB LAeq
Gardens and terraces (daytime)	55 dB LAeq

b) Prior to first occupation of the residential units, a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that the internal noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the internal noise criteria.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

12) Prior to the erection of the above ground structure, an environmental standards statement outlining how the development will incorporate sustainable development measures to follow principles of Code for Sustainable Homes including measures to secure predicted carbon emissions and the attainment of specified environmental efficiency and performance, shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months of the completion of the construction of the authorised development a verification statement shall be submitted to and approved in writing, by the City Council as local planning authority, confirming the incorporation of the specified measures at each phase of the construction of the development, including dated photographic documentary evidence of the implementation and completion of required works.

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, EN4-EN7 and DM1 of the Core Strategy for the City of Manchester and the principles

contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

13) Prior to the commencement of above ground works a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health, pursuant to policy DM1 of the Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

407 Wilbraham Road, Manchester, M21 0UT
405 Wilbraham Road, Manchester, M21 0UT
413 Wilbraham Road, Manchester, M21 0UT
Whalley Range Afc, Kings Road, Manchester, M21 0XX
320 Wilbraham Road, Manchester, M21 0UX
318 Wilbraham Road, Manchester, M21 0UU
415 Wilbraham Road, Manchester, M21 0UT
322 Wilbraham Road, Manchester, M21 0UX
316 Wilbraham Road, Manchester, M21 0UU
314 Wilbraham Road, Manchester, M21 0UU
411 Wilbraham Road, Manchester, M21 0UT
403 Wilbraham Road, Manchester, M21 0UT

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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH