

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133075/OO/2022

Date registered valid: 11 April 2022

Proposal: Outline application with all matters reserved except for access, layout and scale for the erection of a two storey, detached dwellinghouse (Class C3) following demolition of garage

Address: 69 Ashley Lane, Manchester, M9 4NU

Ward(s): Moston Ward

Applicant: Mr Andrew R Chadwick, 13 Mabford Close, Manchester, M22 8AE

Agent (if any): Mr Steve Ingram S. Ingram & Associates Design Studio, Heights Lane, Delph, Oldham, OL3 5TU

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 25 May 2022

Application details

Type of application: Outline Consent

Development type: Minor Dwellings

Date of site visit: 5 May 2022

Standard consultations:

Printed: 20 April 2022 Expired: 11 May 2022

Neighbour notifications

Printed: 20 April 2022 Expired: 11 May 2022

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

The application site relates to the rear garden of 69 Ashley Lane – a two storey, detached bay fronted dwellinghouse, situated at the corner of Ashley Lane and Princedom Street.



The host property incorporates front and rear garden areas, enclosed by a combination of concrete post/panel and timber panel fencing. To the rear garden area is a dilapidated, single storey garage building, with vehicular access via metal gates onto Princedom Street.

The rear garden area comprises two principal site levels, stepping up in height slightly where the existing garage meets the garden. Trees bound the site to the east.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The immediate area is principally residential in character, largely characterised by a range two storey buildings of various architectural styles.

The proposed dwellinghouse would front onto Princedom Street, a short section of residential cul-de-sac, terminating at the former Manchester College (Moston Campus). The site is now cleared and previously accommodated a 5 storey educational establishment which has since been demolished.

The site is to be redeveloped for residential development and has an extant planning permission for the erection of 50, two storey dwellinghouses and the erection of a three storey apartment building to form 10 apartments, with associated car parking, boundary treatment (Planning Ref: 128835/FO/2020).

The development site which immediately bounds the application site to the east is presently enclosed by metal palisade fencing.

Description of development

Outline planning permission is sought for the erection of two storey, detached dwellinghouse (Class C3), following demolition of the existing garage. All matters are reserved except for access, layout and scale.

The indicative drawings show a two storey, detached building, incorporating a gable roof. Internally there is living space to the ground floor, with two bedrooms and a bathroom to the first floor, which also includes the roof space.

The proposed dwellinghouse is situated within the existing rear garden area of 69 Ashley Lane, in roughly the same position as the existing garage, albeit occupying a larger footprint and in closer proximity to the site boundaries.

The drawings show a window to each floor of the gable walls, with rooflights to the main roof plane. The main entrance door is positioned within the western elevation facing the existing dwellinghouse.

The proposed house is to be separated from the existing property by a new 2 metre high timber fence and would incorporate a small front, side and rear garden and a repositioned vehicular access to allow a new driveway with parking for up to two vehicles. The new access is proposed a few metres to the west of the existing access, with access served from Princedom Street.

In addition, it is proposed to create a vehicular driveway to the existing house, with access off Ashley Lane.

Consultations & Notification Responses

Local Residents/Occupiers – 1 representation received from the adjoining landowner to the east. Comments are summarised below:

-There is a substation proposed to the bottom of the garden of Plot 3 of the adjoining development site. There would be an easement required either side of this which may impact on the proposed buildings foundation. If the substation has to move it would impact on the garden of Plot 3, and also the rear access from Plot 2's garden, which would reduce the size of both significantly.

-There is a tree in the corner of Plot 2's garden which is being retained, and the root protection zone would also fall across the foundation of the building. It is questioned how this would be addressed.

-The proposal includes the relocation of the current vehicle access on Princedom Street. This may have an impact on the S278 works that will be required for the neighbouring development site in terms of timescales for implementation.

Greater Manchester Police (Design for Security) – Various security recommendations are made with respect to boundary treatment, lighting and bin storage.

Flood Risk Management - Object to the proposal because the proposed development has not considered the indicative culverted ordinary watercourse ("Moss Brook").

The culverted watercourse was indicated to cross or bound this site during asset investigation works for a neighbouring development. It is necessary to do site-specific investigations to prove or disprove the culvert's presence on this site.

The following information needs to be provided as a minimum to lift the objection:

-Site investigation to prove/disprove culvert existence;

-Where proven, asset route and condition, levels and dimensions;

-Where existing culvert assets are confirmed onsite, the applicant is expected to submit a masterplan, which takes account of the culvert; including any proposed diversion/realignment plans, and illustrate appropriate easements;

-Proposed buildings should not be positioned above culverts or within the appropriate easements. Masterplan designs should demonstrate that suitable access is provided, to ensure maintenance works can be carried out on the culvert (for the lifetime of the development). Routing of the culvert should consider a sequential approach; consideration should first be given for routing the asset beneath the highway and/or open land.

United Utilities - The applicant should consider their drainage plans in accordance with the drainage hierarchy.

Information is provided in relation to assets and infrastructure.

Highway Services – The following comments are made.

Trip Generation

The addition of one residential dwelling is anticipated to give rise to some additional trips on the highway network. However, it is accepted that the impact that this will generate will be negligible and therefore Highways have no concerns in terms of traffic or safety impact.

Parking and Access

Highway records indicate that the suggested area for the new dwelling does not fall under the applicant's ownership, therefore verification is required. The applicant should confirm that they have a formal written agreement to guarantee rights of access over any land which falls outside of the site's red line

It is understood that there will be two car parking spaces created for the new dwelling which will be accessed via Princedom Street. Clarification is sought regarding alterations to the adopted highway and the existing access point.

Additionally, two car parking spaces will be created for the existing dwelling, these will be accessed via Ashley Lane.

Regarding the dimensions of these spaces, all individual driveway parking spaces should be a minimum of 3.0m x 6.0m as per the Council's standard recommendations. It is requested that the applicant demonstrates that vehicles can access/egress these spaces suitably.

Highways are accepting of the new driveways subject to a 10 metre clearance from the junction.

In terms of the location of the revised access, this appears acceptable in principle (subject to 10 metre junction clearance)

There is concern regarding the timescales for this development and the future large scale residential scheme to the east. There will be S.278 works required on Princedom Street and it may be beneficial for both developers to discuss the required access arrangements to avoid abortive construction works.

Should the planning application be approved, the applicant will be required to enter into a Section 278/184 agreements for the alterations to the existing highways, and for construction of the proposed vehicular access and dropped kerbs on Ashley Road and Princedom Street which will require a crossing licence/agreement.

The Applicant may also wish to consider a H-Bar marking to protect access onto the driveways and to deter inconsiderate parking. It is also recommended that the applicant liaises with MCCs Street Lighting Team regarding the potential requirement to relocate an existing street lighting column.

Cycle Parking

It is required that secure cycle parking is provided as part of the development.

EV charging

It is required, in line with the Council's Residential Guidelines, that the provision of Electrical Vehicle charging points (minimum 7kW) is made available.

Boundary Treatment

All boundary treatments with frontage to the adopted highway retain appropriate visibility from a height of 600mm upwards. This is acceptable to Highways.

For the avoidance of doubt, all gating which is accessed from the highway must be ensured to be inwardly opening, in order to prevent obstruction to passing footway users.

Refuse and Servicing

Suitable bin storage has been indicated within the curtilage of each of the dwellings to the rear of the property, this will prevent any obstruction on adjacent footways.

It is noted that regular City Council collection will be used for the site. This is acceptable.

Construction Management

A Construction Management Plan should be provided by the applicant prior to any construction works beginning.

Policy

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027.

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.

Policy SP1 (Spatial Principle) - refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 (Development Management) - states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, flood risk, green infrastructure, parking/access, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy EN14 (Flood Risk) – states that development should be directed away from sites at the greatest risk of flooding, and towards sites with little or no risk of flooding.

Further, the City of Manchester contains many sections of rivers which are culverted or 'hidden'; where these are indicated in the SFRA beneath the proposed development site, further investigation will be required and the development proposal should take this into account; where feasible and appropriate development should seek to open up culverted/hidden rivers to reduce the associated flood risk and danger of collapse, taking advantage of opportunities to enhance biodiversity and Green Infrastructure.

Policy H1 (Overall Housing Provision) states that the proportionate distribution of new housing, and the mix within each area, will depend on a number of factors. New housing will be

predominantly in the North, East, City Centre and Central Manchester, these areas falling within the Regional Centre and Inner Areas of Manchester.

The policy goes on to state that that new residential development should take account of the need to:

- Contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing Manchester population;
- Reflect the spatial distribution set out above which supports growth on previously developed sites in sustainable locations and which takes account of the availability of developable sites in these areas;
- Contribute to the design principles of Manchester LDF including in environmental terms. The design and density of a scheme should contribute to the character of the local area. All proposals should make provision for appropriate usable amenity space. Schemes should make provision for parking cars and bicycles (in line with policy T2) and the need for appropriate sound insulation;
- Prioritise sites which are in close proximity to centres of high frequency public transport routes;
- Be designed to give privacy to both its residents and neighbours.

The Guide to Development in Manchester (SPD) (2007) contains core principles to guide developers. The document offers design advice and sets out the City Council's aspirations and vision for future development and contains core principles to guide developers to produce high quality and inclusive design. The principles that development should seek to achieve, include, character and context, continuity, and enclosure, ease of movement, quality of the public realm, diversity, legibility and adaptability.

Paragraph 2.13 states that:

'The scale, position and external appearance of new buildings should respect their setting and relationship with adjacent buildings, enhance the street-scene and consider their impact upon the roofline and skyline. Buildings should recognise the common building line created by the front face of adjacent buildings'.

National Planning Policy Framework

The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.

Section 4 provides guidance on the decision-making process and mirrors legislation in stating that planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Section 5 refers to the need to deliver a sufficient supply of homes and states that strategic policies should be informed by a local need assessment and the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.

Section 12 'Achieving well-designed places' states at paragraph 130:

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 134 goes on to state that:

‘Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Section 14 ‘Meeting the challenge of climate change, flooding and coastal change’

Paragraph 159 states:

‘Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere’.

Paragraph 167 states further:

‘When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan’.

Planning History

There is no planning history relating to this site.

Issues

Principle

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that decisions are to be made in accordance with the development plan, unless material considerations indicate otherwise.

The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.

In the case of this application, the principle of the proposed change of use is not considered acceptable and is in conflict with the aforementioned development plan policy and associated guidance.

It is considered that the siting of the proposed house, coupled with its relationship with adjoining properties and loss of existing rear garden area, would result in a cramped development that would be out of character with the pattern of development found in the immediate area, whilst being over-dominant and intrusive to neighbouring occupiers, particularly those that immediately adjoin the southern boundary at No.71 Ashley Lane.

Additionally, the Council's Flood Risk Management team raise flood risk concerns due to the potential for a culverted watercourse indicated to cross or bound the site and no investigative work has taken place to demonstrate whether the culvert could affect the siting of the proposed dwellinghouse and if, what mitigation would take place given that proposed buildings should not be positioned above culverts or within the appropriate easements.

For these reasons, the proposal is considered to conflict with policies DM1, SP1, H1 and EN14 of the Manchester Core Strategy, The Guide to Development in Manchester (SPD) and the National Planning Policy Framework (NPPF).

Out of Character

Policies SP1 and DM1 of the Core Strategy, as well as the Guide to Development (SPD) underline the importance attached to protecting the character and appearance of an area and the need to adhere to the Council's design principles. Policy H1 states that new residential development should contribute to the character of the local area, whilst the NPPF advocates further, the need for good design.

The immediate area in and around Ashley Lane is characterised and defined by relatively spacious plots with reasonable sized rear gardens, with properties that address the main road frontage to create a strong front building line. There is no evidence in the immediate area of infilling having taken place.

In this case, the substantial loss of the rear garden area would fail to make a positive contribution to the character of the area and would undermine the urban grain and rhythm due to the infilling of much of the existing rear garden area, leaving only residual space for both the existing and proposed properties.

It is considered that the proposal would not reflect the more spacious pattern of development in the local area, resulting in cramped form of development at odds with the surroundings. The proposal would not therefore reflect the character and appearance of the area and would be harmful as a result

Residential Amenity

Policies DM1 and SP1 of the Core Strategy indicate that consideration should be given to the effects of development upon the amenity, living conditions and well-being of residents. Policy H1 similarly states that new residential development should be designed to give privacy to both its residents and neighbours.

Paragraph 130(f) of the NPPF also underlines that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

It is considered that in this case, the proposed dwellinghouse is inappropriately sited and given its two-storey scale and proximity to the side boundary with No.71 Ashley Lane, leaving only a relatively narrow gap, the proposed building would form an overbearing and over-dominant feature, which would not only negatively affect the outlook of neighbouring occupiers to the detriment of their visual amenity, but would also affect levels of daylight/sunlight and the enjoyment of the neighbouring rear garden, as a consequence of already diminished levels, due to the position of the dwellinghouse to the north of No.71.

In addition, whilst it is noted that the application has been made in outline, the indicative drawings shows ground and first floor windows situated perpendicular to the rear of No.71. This would lead to direct overlooking of the neighbouring rear garden, which would be noticeably harmful to the living conditions of the neighbouring occupants as result of reduced privacy levels.

Flood Risk

Policy EN14 of the Core Strategy states that that development should be directed away from sites at the greatest risk of flooding and towards sites with little or no risk of flooding, whilst policy DM1 indicates that new development should have regard to more specific issues, including flood risk.

The NPPF also states that development should only be allowed in areas at risk of flooding, where it can be demonstrated the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location and that development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment.

With regard to the application site, the City Council's Flood Risk Management team have raised an objection to the proposal.

There are significant concerns that the applicant has failed to demonstrate via site specific investigative work whether the site includes a culverted watercourse.

Records indicate that a culverted watercourse ("Moss Brook") may cross or bound this site. This was revealed during asset investigation works for the neighbouring residential development proposal to east (former Manchester College). As such, it is necessary for the applicant to demonstrate the culvert's presence on the site, in order to determine whether the principle of developing a rear garden is acceptable and what measures may be necessary in terms of diversion/realignment or appropriate easements.

Proposed buildings should not be positioned above culverts or within the appropriate easements. To do would introduce a significant flood risk, without the necessary investigative work/remedial measures taking place.

Without the submission of analysis to demonstrate whether the culvert could affect the siting of the proposed building, the City Council are unable to establish whether the rear garden is a development site. On this basis, the proposal would conflict with overarching policy and guidance with respect to flood risk.

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: Refuse

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. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

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

1) Having regard to the relationship of the proposed development with the surrounding properties in the area, the proposed development, would constitute an inappropriate form of development, which would be out of keeping with the character and pattern of development in the local area. The proposal is therefore contrary to the provisions of policies SP1, H1 and DM1 of the Manchester Core Strategy, The Guide to Development in Manchester (SPD) and the National Planning Policy Framework.

2) The proposed building by reason of its position, scale, mass and relationship with no. 71 Ashley Lane, would form an overbearing, intrusive and over-dominant feature, harmful to the amenity of adjoining occupiers, contrary to policies DM1, SP1 of the Manchester Core Strategy, The Guide to Development in Manchester (SPD) and the National Planning Policy Framework (NPPF).

3) The applicant has failed to demonstrate that the proposed development would not contribute to local flood risk. Proposed buildings should not be positioned above culverts or within the appropriate easements. City Council records indicate the presence of a culverted ordinary watercourse (Moss Brook) crosses or bounds the site and as such, further site-specific investigative information is required to confirm the presence of the culvert and if detected, the proposal should include appropriate diversion or realignment plans. The proposed development is therefore contrary to policies EN14 and DM1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police

63 Ashley Lane, Manchester, M9 4NU
61 Ashley Lane, Manchester, M9 4NU
64 Ashley Lane, Manchester, M9 4WT
Flat 2, 60 Ashley Lane, Manchester, M9 4WT
73 Ashley Lane, Manchester, M9 4NU
60 Ashley Lane, Manchester, M9 4WT
Flat 1, 60 Ashley Lane, Manchester, M9 4WT
62 Ashley Lane, Manchester, M9 4WT
71 Ashley Lane, Manchester, M9 4NU

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH1