

Planning

Growth & Development

Delegated officer report for planning application

Application no. 128547/FO/2020
Date registered valid: 23 December 2020
Proposal: Erection of a one and half storey two bed detached dwelling in rear garden
Address: 98 Ladybarn Lane, Manchester, M14 6YH
Ward(s): Withington Ward

Applicant: Mr James Henry, 98 Ladybarn Lane, Manchester, M14 6YH
Agent (if any): Mr A Gilbert, 403 Parrs Wood Road, Didsbury, M20 5WA
Case officer: Dave Morris
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Recommendation: REFUSE
Date of recommendation: 11 February 2021

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Standard consultations:

Printed: 6 January 2021 Expired: 27 January 2021

Neighbour notifications

Printed: 6 January 2021 Expired: 27 January 2021

Site notice

Posted: 14 January 2021 Expired: 04 February 2021

Press advert

Published: 12 January 2021 Expired: 2 February 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

This application relates to the rear garden of 98 Ladybarn Lane which is a Grade II Listed Building. The property is a two storey semi detached cottage which the listing describes as “Pair of small houses. Late C18 or early C19; altered. Red brick in Flemish bond (No.96 cement-washed and painted white), C20 pantile roof. Double-depth plan, each house single-fronted, with back extensions (and various C20 additions to rear). Gothick style in some details. Two storeys with cellars; each has doorway to right with C20 door and small porch, and one segmental-headed transomed 6-light casement on each floor, those to No.96 with C20 small-pane glazing and pseudo-shutters, and those to No.98 with original very thin intersecting glazing bars. Rear and interior altered.” The property has a two storey rear outrigger with a mono pitch roof, a conservatory has been added at the side of the outrigger and a single storey flat roofed extension at the rear of the outrigger. There is a long front garden, 30.5 metres, and the rear garden is 9.6 metres long and approximately 8.2 metres wide. The property has no off street parking and the use of the property is described as a dwelling on the application forms.

Listed building: 98 Ladybarn Lane

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

This is a predominantly residential area. Adjoining to the north is the other half of the semi detached property. This property has extensive extensions to the rear albeit the planning history suggest one approval for an extension in 1983. Adjoining the site to the south is the gable wall of a modern two storey cottage flat on Ravenhead Close and the gable wall of residential properties on Ladybarn Lane. To The east across Ladybarn Lane are a vehicle repair garage and a community centre/mosque. To the west is Cringle Brook which at this point is situated in a deep cutting, and Rose Cottages, which is a terrace of listed cottages.with front gardens. A footpath runs alongside 96 Ladybarn Lane, around the rear of number 98, across the front of Rose Cottages linking Ladybarn Lane to Egerton Road.

Description of development

Consent is sought for the erection of a two bed two storey detached dwelling in the rear garden of 98 Ladybarn Lane. The property would have a rectangular footprint 7.4 metres wide and 5.5 metres deep, the front elevation being set on the rear boundary of the garden. The property would be constructed using reclaimed brick to match existing properties, welsh slate and wooden window frames. The front elevation would contain the entrance and the door to the integral bin store. There would be a single window with a gable at first floor level. The rear elevation would contain bi folding doors and a window at ground floor level and three roof lights. There would be a high level circular window in the north elevation. The accommodation would comprise an open plan living area and a wc on the ground floor and two bedrooms and a bathroom at first floor level.

Amenity space would be provided at the rear of the property abutting the rear extension to 98 Ladybarn Lane. The amenity space for 98 Ladybarn lane would be limited to the front garden and an area at the side of the property. No details are provided of any boundary treatment between the existing and proposed dwellings.

No car parking is provided which the applicant seeks to justify by this being a sustainable location.

The application was accompanied by a Design and Access Statement. No Heritage statement was provided and despite requesting one, none has been submitted at the time the application was determined. There is no application for Listed Building Consent.

Consultations & Notification Responses

Ward Members

Councillor Chris Wills objects to the proposed development for the following reasons

- 98 Ladybarn Lane is Grade II listed and one of the few historic buildings in the area. The proposed extension will be detrimental to the building and garden, and not in keeping with efforts to maintain and respect historical assets in Ladybarn.
- Approval of this proposal would seriously and adversely affect the setting of the adjacent Rose Cottages, which are also Grade II listed. This would include loss of privacy due to them being overlooked by the proposed extension.
- 98 Ladybarn Lane is listed on Airbnb as a property accommodating up to 10 guests. We therefore assume that the extension will be used for the same purposes. There are already a number of properties in the Ladybarn and Fallowfield areas which are being used as Airbnbs. As local Councillors we are extremely concerned by this trend, which is highly detrimental to the local community. We have previously raised our concerns with the relevant Executive Members, and with Planning. We would therefore object in the strongest terms to Airbnb capacity being increased for any property.
- The development would also put further pressures on already limited parking in the local area.
- There are few homes in this area with gardens, and these provide a haven for local birds and wildlife. Reducing the already small amount of green space in the area would contravene Manchester City Council's 5-Year Environment Plan 2019-24. This states that "all citizens will have access to green space in every community", and "citizens and businesses will adopt sustainable living and building practices".

Local Residents

Nine letters have been received objecting to the proposed development. The issues raised are summarised below.

-98 Ladybarn Lane is Grade 2 listed and one of the few historic buildings in the area, this proposed extension will obscure the building and its garden and shows disregard for respecting the history of Ladybarn and the work done to maintain and protect it.

· This proposal would seriously and adversely affect the setting of Rose Cottages which are also Grade 2 listed.

- 98 Ladybarn Lane is advertised on Air B&B for 10 guests. Encouraging these types of developments reduces the sense of community in our area.

· There are few homes in this area with gardens, providing some cover for local birds and wildlife. It would be a removal of rare green space contravening the purpose of Manchester's 5 year environmental plan 2019-24, which states 'all citizens will have access to green space in every community' and 'citizens and businesses will adopt sustainable living and building practices'. I believe the council should protect any remaining green spaces and listed buildings we have in line with its own policies and not permit profit driven, short term expansion such as this and I hope you will not hesitate to reject this proposal.

-Concern about the proximity to the culvert and the risk of flooding.

Withington Civic Society

Object to the proposed development for the following reasons

-The house is grade 2 listed, as are the adjacent Rose Cottages. Any development at the former will adversely affect not only its setting but also the setting of the nearby Cottages.

-The immediate area is a precious and peaceful "oasis in the city" and so is of great importance environmentally. As such, it needs to be treated sensitively and enhanced, not worsened.

-As a typical "infill" development, the dwelling would cause serious overdevelopment of an already very constrained site.

-No. 98 is currently used as an Airbnb and short-term-let and so it can be presumed that the new build would be too. Such uses are not beneficial to the area, where meeting the demand for family & social housing is of far greater importance.

-There is already inadequate on-site parking at no. 98 and insufficient on-street parking for the permitted number of people – up to 10 in no. 98 itself. Increasing the number of people still further would exacerbate these existing problems.

South East Fallowfield Residents Group

The application is contrary to National Planning Policy Framework guidelines (July 2018 para 70) which encourages policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. 98 Ladybarn Lane is currently listed on airbnb and booking.com as a short term let. Short Term Lets (STL) are causing problems across the city but especially so in residential areas. They do not contribute to a sustainable community. We fear that the proposed garden grabbed dwelling would also become a STL and add to the problems created by inappropriate numbers of visitors being accommodated in a small dwelling.



-As can be seen the site of the proposed development creates an unacceptable density. The North wall of the dwelling is hard up against the adjoining property, 96 Ladybarn Lane and the South wall hard against 19 Tattenhall Walk.

The site will be completely over developed.

-This proposal, if implemented, would severely impact the locality around Rose Cottages, also Grade II listed, and it would also result in a loss of privacy as they would be overlooked by the proposed development

-The loss of the back garden of 98 Ladybarn Lane to the proposed development and the very small size of the area allocated to the proposed development will be subject to loss of daylight & sunlight, the orientation of the proposed development, East / West front to back, will mean that there will be only a short period each day when the suggested "amenity" areas are not shaded.

-In addition the loss of the garden for this proposed development reduces existing environmental and visual amenity for residents of Rose Cottages and is likely to create noise and disturbance for occupiers of Rose Cottages, residents in Ravenhead Close and other nearby houses especially if this property is used as a STL.

-Anti social behaviour is a well documented ongoing problem in this neighbourhood.

-The fact that 96 and 98 Ladybarn Lane are Grade II listed buildings seems to have been completely overlooked in terms of the impact of the proposed development

-98 Ladybarn Lane is currently in use as a STL for 10 residents; there isn't enough sufficient amenity space for that number of residents with the current garden, a significant portion of the front garden being occupied by MCC bins. The current pandemic has highlighted the greater need for outdoor amenity space for mental well being .To lose garden to this development would be detrimental.

Every bit of green space and natural drainage is considered valuable to protect wildlife and reduce problems with drainage. The loss of this rear garden is unacceptable. Reducing the already small amount of green space in the area would contravene Manchester City Council's 5-Year Environment Plan 2019-24. This states that "all citizens will have access to green space in every community".

- Vehicular access is very poor and in the even of an emergency, fire for example, it would be very difficult to get an emergency vehicle to the front of the proposed development.
- There is no parking available on site or in the immediate neighbourhood. The Application mentions potential for disabled residents, there is no provision for parking an adapted vehicle.
- There is no provision for storage of pedal cycles.
- The access path that runs past the proposed site connecting Ladybarn Lane and Egerton Road is disfigured by graffiti and has recently been scheduled for improvements, it is not well lit and not somewhere to walk down after dark.

Fallowfield Community Guardians

Object to the proposed development

- The application is contrary to National Planning Policy Framework guidelines which encourages policies to resist inappropriate development of residential gardens where development would cause harm to the local area. 98 Ladybarn Lane is a grade 2 listed building as are the nearby Rose Cottages and should be protected at all costs.
- The group wish to see developments which contribute to a sustainable community and fear that the proposed garden dwelling would become a short term let because we understand that 98 Ladybarn Lane is used for that purpose. This would cause harm in terms of additional noise, anti-social behaviour and refuse disposal issues, especially to residents in Rose Cottages. The area is already known to suffer from these problems because of the high density of students accommodated in HMOs in the neighbourhood.
- The aerial photo below shows just how small and claustrophobic the proposed dwelling would be. The southern wall is right up against the wall of the house in Ravenhead Close. This would prevent any access to brickwork repairs that may be required.
- The loss of the garden for this proposed development reduces existing environmental and visual amenity for residents in Rose Cottages and is likely to create noise and disturbance for occupiers of Rose Cottages, residents in Ravenhead Close and other nearby houses especially if this property is used as a short term let. Anti social behaviour is a well documented ongoing problem in this neighbourhood.



-98 Ladybarn Lane is a small cottage and a grade 2 listed building, currently in use as a holiday home for short term let. They note the absence of an English Heritage statement with this application.

-This garden development is considered completely inappropriate. The loss of the rear garden would also reduce natural drainage. This property is very close to the Cringle Brook. The loss of the rear garden and the construction of foundations for the proposed dwelling would lead to further loss of natural land for drainage and the displacement of the water table. Many residents in our group have experienced problems with flooding which is very likely to be due to the intensification of properties, basement conversions and loss of gardens particularly due to the very high number of student HMO properties in the local area.

-The loss of this rear garden is deemed unacceptable. Every remaining bit of green space and natural drainage is considered valuable in this area to protect wildlife and reduce problems with drainage because so much has been lost to hard surfacing in HMOs for ease of maintenance and to HMO extensions.

-The plans do not include a bin proforma as required. The MMC waste management strategy gives clear guidance This policy states that *each individual household must be able to contain a minimum area that would house 4 x 240 litre bins externally*. The sketch of four bins in the entrance lobby is deemed insufficient for 4 large bins, required for disabled residents. The sketch drawing does not indicate sufficient space for accommodating these bins especially as space is needed between the bins to be able to wheel them to the pavement for emptying. We consider the siting of the bins within the entrance lobby to be unhygienic and inappropriate for a residential property. It is also very unclear how bins will be presented or where the entrance to

this proposed house will be.

- The pathway that runs alongside the proposed site connecting Ladybarn Lane and Egerton Road is covered in graffiti and has recently been highlighted as a path that has required funding for improvements. It is not a path that residents like to walk down as it feels unsafe. The proposed dwelling has no windows looking out onto this path as they are skylights. Secured by Design, New homes 2019, Physical Security section 1, paragraph 12.1 mentions the importance of surveillance and having at least one window on the upper floor.

- Section 8.17 states: Public footpaths should not run immediately next to doors and windows, therefore defensive space should be created to separate a path from a building elevation. This is particularly important in areas with a known graffiti or anti-social behaviour problem.

- The alleyway is covered in graffiti.

- There is no car parking provision and this is considered necessary especially given the referrals in the plans to access for disabled residents. Many people with accessibility issues require a vehicle adapted for wheelchair use. Cycle storage does not seem to be mentioned.

Highways

- Given that the proposed development is resultant in 1 residential dwelling, the number of vehicular trips associated with the site is expected to be minimal. It is therefore accepted that the local highway network can facilitate such additional demands with no highway safety or capacity concerns.

- The site is well accessed by sustainable modes, with regular bus services running along Ladybarn Lane. Fallowfield Loop, off road cycle path, is a few minutes away.

- Vehicle and pedestrian access to the development can be made from the established access point on Ladybarn Lane. An additional pedestrian access point is available from Egerton Road. This is acceptable from a highway perspective. There are no on-site parking spaces provided. Whilst this is not ideally preferred from a Highways perspective, it is acknowledged that the site offers no opportunity to provide on-site parking. It is also acknowledged that the site is highly accessible by sustainable modes, with regular bus services running along Ladybarn Lane and the Fallowfield loop cycle and walking route is located 5 minutes' walk away. As such, sustainable travel to and from the site is a viable choice of mode for future residents. The proposed pedestrian access and routing to the building is acceptable from a highway perspective.

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

- No boundary treatments are noted. The applicant should be advised that all gated accesses will need to provide inward opening gates to ensure they do not impact on the adopted footway or highways.

- It is acceptable for waste bins to be stored within the curtilage of the property and serviced in-line with surrounding operations, with bins being presented to the collection point on Ladybarn Lane by the occupants on collection days, however the distance from the bin stores to the collection point must be clarified. This should be in accordance with GD04 guidelines.

- A Construction Management Plan should be provided by the applicant prior to any construction works beginning. The Construction Management Plan should detail the phasing and quantification / classification of vehicular activity associated with planned construction and demolition. This should include commentary on types and frequency of vehicular demands together with evidence (including appropriate swept-path assessment) of satisfactory routing both within the site and on the adjacent highway. The document should also consider ongoing construction works and contractor parking in the locality.

Policy

Core Strategy

The relevant Core Strategy policies are SP1, DM1 and EN3

Policy SP1 sets down the spatial principles that will guide development in the City. In particular new development will need to protect and enhance the built and natural environment as well as creating neighbourhoods of choice.

Policy DM1 seeks to protect the amenity of an area from the adverse impact of development. The policy states that all development should have regard to the following specific issues, amongst others:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- 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.

Policy EN3 says that proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

Unitary Development Plan

The relevant saved UDP policy is DC 6 Backland development and DC19.

Policy DC6 states The Council will not normally grant consent for residential development on "backland" sites, that is, sites with limited access to a road because they are surrounded by housing or other uses.

DC6.2 Development will not be permitted unless:

- a. there is no loss of privacy to adjoining dwellings and associated rear gardens;
- b. access and parking arrangements do not significantly increase noise and disturbance for occupiers of existing adjoining dwellings;
- c. the scale and design of the development is compatible with the character of buildings in the surrounding area;
- d. there is sufficient space between the proposed and existing dwellings to avoid problems of significant overshadowing or of over-dominant appearance affecting either the existing or the proposed dwellings;
- e. the proposal does not involve the loss of important trees or other natural features of high amenity value or the loss of locally important wildlife habitats;
- f. the proposed and existing dwellings retain adequate levels of private amenity space; and
- g. in the case of development within a Conservation Area, in particular, the built form and the surrounding spaces maintain or enhance the character of the area.

Policy DC19 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.

National Guidance

National guidance in respect of developments involving heritage assets can be found in paragraphs 189 through 202 of the National Planning Policy Framework.

Paragraph 189 says that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 192 says that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 says that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 195 says that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and

- the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Issues

Principle

Whilst the principle of providing new family housing in the south of the City accords with Council policies, this site is the rear garden of a listed building which gives rise to a number of issues discussed in the following sections. As set out below it is not considered that the harm caused to the designated heritage asset is outweighed by the public benefit of the provision of one dwellinghouse.

Scale

This is a two storey semi detached listed cottage and it is considered that there is no historic context for such a large building in the rear garden. As such it is considered that the scale of the proposed dwelling is excessive for the location.

Design

The proposed building is a simple box lacking in architectural detailing or interest. The lack of windows, presumably to prevent overlooking further detracts for the appearance of the proposed building. On balance it is considered that the design of the proposed building is unacceptable.

Location

The site has a frontage to a public footpath, the absence of a carriageway means that this is a backland site and that the erection of a dwelling would detract from the amenity of residents both in terms of the comings and goings associated with a dwelling but also in competing for on street parking in an area where there is a demand for such parking. On balance it is not considered that this is a development site.

It is noted that Rose cottages are accessed by the same path, however, this is a historic situation that is not ideal and issues associated with the current arrangement would be exacerbated by an additional dwelling.

Site setting out

The proposed building is positioned at the back of footpath, whilst historically this is a feature found in many terraces in the City it would result in the amenity of the occupiers of the property being adversely affected by people using the footpath. Further indication that this is not a suitable site for housing would be the absence of windows and the need to use roof lights in order to prevent overlooking.

Given the relationship of the rear garden to public footpaths it is considered that the garden is a backland site. Given it is not considered that the proposals is reflective of the character of the area or the setting of the listed building to which it is directly related it is not considered that the proposals meets the requirements set out in policy DC6.

Amenity Space

Whilst 98 Ladybarn lane has a substantial front garden, this does not provide private amenity space for the residents of that property. As a result of the proposed development what private space there is will be significantly reduced and located at the side of the property. The proposed new dwelling would only have a small area of private space for its own use shoehorned in between the proposed dwelling and the extension to 98 Ladybarn Lane. Whilst the Council has no standard for private amenity space concern is expressed over the impact upon its provision for both properties as a result of this development.

It is also noted that the amenity space would be dominated by the adjacent gable wall of the cottage flats to the south of the site, meaning that the area would be of poor quality.

Impact on Listed Building

The proposed works will result in the removal of the rear boundary to the listed building, otherwise its impact will be on the setting of the building. In this case the rear elevation is visible to people using the public footpath and whilst there are some unsympathetic additions to the building these are at ground floor and largely obscured from view. Thus whilst it is considered that the proposed development would cause less than significant harm to the listed building it would cause harm to its setting which could not be readily reversed and there are no public benefit reasons that outweigh the harm, nor would the development bring into use an unused asset.

Flood risk

Despite the presence of Cringle Brook close by the site is in Flood Zone 1 and not therefore at risk of flooding.

Standard of accommodation

The proposed dwelling would have a floor area of approximately 80 square metres which accords with the Council's space standards. However, concern is expressed that the building lacks windows particularly above ground floor level and would result in a poor standard of accommodation and quality of living environment. The only window of substance, the bi folding doors would be largely overshadowed by the gable of the adjoining cottage flats to the south.

Residential Amenity

The properties most affected would be 96 and 98 Ladybarn Lane and it is considered that the proposed dwelling would have an overbearing impact on both these properties. The lack of windows ensure that there are no overlooking or privacy issues.

In that the property would be tight with adjacent properties it is considered that the comings and goings of future residents and the general activity associated with a household would impact on the adjacent properties.

Parking

No parking is proposed for the proposed property as is the case for 98 Ladybarn Lane. The applicant claims that parking is not required as this is a sustainable location. Whilst there are shops in the vicinity they are all some distance away and it is considered that the lack of parking would need to be offset by the provision of secure cycle parking, of which there is none. It is

considered that the lack of parking could lead to increased demand for on street parking in the area.

Refuse

Space for four bins is shown in an integral bin store in the front elevation of the property. This would have doors fitted and would potentially be acceptable.

Listed Building Consent

No application for Listed Building Consent has been submitted. As the development results in the loss of a boundary to the Listed building it is considered that such an application would be required.

Conclusion

On balance it is considered that the application seeks to shoehorn a dwelling onto a site that cannot accommodate it and in doing so will adversely impact on the setting of the listed building. No heritage assessment has been provided and whilst the agent indicated that one would be submitted it has not been received. It is considered that there are no benefits to the proposed development that would offset the issues raised.

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

The proposal would not improve the social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable and it is therefore not possible to approve the application.

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

1) The proposed development, by virtue of its scale, design, siting and relationship to the existing listed building, would detract from the setting and historic character of the listed building in which it is located. The proposal would therefore be contrary to saved UDP Policy DC19 and policies EN3 and DM1 in the Core Strategy Development Plan Document (2012) and conflict with the guidance contained within the National Planning Policy Framework.

2) The proposed development by reason of its location in the rear garden of the property with no direct road frontage constitutes back land development, the proposed development would therefore have a detrimental impact on the character and amenity of the area and adjacent residents. The proposed development is therefore contrary to the provisions of Core Strategy Policies SP1 and DM1 and saved Unitary Development Plan policy DC6.

3) The application does not include a heritage statement that assesses the impact of the proposed development on the heritage asset that is 98 Ladybarn Lane, in whose grounds the development is located or the adjacent property 98 Ladybarn Lane or the nearby Rose Cottages which are all listed buildings. The application therefore fails to meet the requirements for applications affecting heritage assets as set out in the National Planning Policy Framework.

4) The development results in substandard living accommodation due to the lack of defensible space to the front of the proposed dwelling which would leave the occupiers vulnerable to criminal or anti-social behaviour. The development is therefore contrary to the provisions of policies SP1 and DM1 of the Core Strategy of the Local Development Framework and the guidance contained in the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

94 Ladybarn Lane, Manchester, M14 6YH
92 Ladybarn Lane, Manchester, M14 6YH
8 Cedar Grove, Manchester, M14 6YF
6 Cedar Grove, Manchester, M14 6YF
4 Cedar Grove, Manchester, M14 6YF
24 Cedar Grove, Manchester, M14 6YF
20 Cedar Grove, Manchester, M14 6YF
2 Cedar Grove, Manchester, M14 6YF
18 Cedar Grove, Manchester, M14 6YF
12 Cedar Grove, Manchester, M14 6YF
10 Cedar Grove, Manchester, M14 6YF
2 Westbourne Road, Manchester, M14 6YN
Top Flat, 90 Ladybarn Lane, Manchester, M14 6YH
90A Ladybarn Lane, Manchester, M14 6YH
27 Tattenhall Walk, Manchester, M14 6YS
21 Tattenhall Walk, Manchester, M14 6YS
15 Tattenhall Walk, Manchester, M14 6YS
9 Tattenhall Walk, Manchester, M14 6YS
3 Tattenhall Walk, Manchester, M14 6YS
7 Rose Cottages, Ladybarn Lane, Manchester, M14 6YR
1 Rose Cottages, Ladybarn Lane, Manchester, M14 6YR
65 - 67 Ladybarn Lane, Manchester, M14 6YL
102 Ladybarn Lane, Manchester, M14 6YH

22 Cedar Grove, Manchester, M14 6YF
16 Cedar Grove, Manchester, M14 6YF
Rose Cottages, Ladybarn Lane, Manchester, M14 6YR
11 Ravenhead Close, Manchester, M14 6YT
9 Ravenhead Close, Manchester, M14 6YT
7 Ravenhead Close, Manchester, M14 6YT
5 Ravenhead Close, Manchester, M14 6YT
3 Ravenhead Close, Manchester, M14 6YT
1 Ravenhead Close, Manchester, M14 6YT
31 Tattenhall Walk, Manchester, M14 6YS
29 Tattenhall Walk, Manchester, M14 6YS
25 Tattenhall Walk, Manchester, M14 6YS
23 Tattenhall Walk, Manchester, M14 6YS
19 Tattenhall Walk, Manchester, M14 6YS
17 Tattenhall Walk, Manchester, M14 6YS
13 Tattenhall Walk, Manchester, M14 6YS
11 Tattenhall Walk, Manchester, M14 6YS
7 Tattenhall Walk, Manchester, M14 6YS
5 Tattenhall Walk, Manchester, M14 6YS
1 Tattenhall Walk, Manchester, M14 6YS
9 Rose Cottages, Ladybarn Lane, Manchester, M14 6YR
5 Rose Cottages, Ladybarn Lane, Manchester, M14 6YR
3 Rose Cottages, Ladybarn Lane, Manchester, M14 6YR
73 Ladybarn Lane, Manchester, M14 6YL
71 Ladybarn Lane, Manchester, M14 6YL
69 Ladybarn Lane, Manchester, M14 6YL
96 Ladybarn Lane, Manchester, M14 6YH
104 Ladybarn Lane, Manchester, M14 6YH
14 Cedar Grove, Manchester, M14 6YF

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
Area Team Boundary - Name: SOUTH