MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	126457/OO/2020
Date registered valid:	8 December 2020
Proposal:	Outline application with all matters reserved except for access and scale for the erection of a two storey, detached dwellinghouse (Class C3) and associated, single storey, detached garage
Address:	31 Berry Brow, Manchester, M40 1GR
Ward(s):	Miles Platting & Newton Heath Ward
Applicant:	Mr A Pagett, 31 Berry Brow, Manchester, M40 1GR
Agent (if any):	Mr Ian Perry Heaton Design Ltd, 153 Woodsmoor Lane, Woodsmoor, Stockport, SK3 8TH
Case officer:	Steven McCoombe Tel: 0161 234 4607 Email: steven.mccoombe@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	13 January 2021

Application details

Type of application: Outline Consent

Development type: Minor Dwellings

Date of site visit: 5 January 2021

Standard consultations:
Printed: 9 December 2020 Expired: 30 December 2020

Neighbour notifications
Printed: 9 December 2020 Expired: 30 December 2020

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 an irregular shaped area of enclosed land of approximately 0.12 hectares in area. The site is situated to the rear (south) of 31 Berry Brow.

Berry Brow itself incorporates as curved road frontage with an access spur just before the railway line to the east.

The site comprises a vacant wooded area associated with 31 Berry Brow and consists of a mixture of trees, shrubs overgrown vegetation. The land is uneven and incorporates is a slope downwards in a north to south direction from Berry Brow towards Shaldon Drive.

The site is accessed via a narrow spur of cobbled, unadopted which leads to a turning head which is blocked off between 29 and 31 Berry Brow.

The site is bounded by residential properties to the east, west and south. Opposite the site on the side of the access road is a railway line.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The immediate area is predominantly residential in character. A railway line is situated just to the north of the site, whereas a short distance to the west is Clayton Vale – an area open green space.

Description of development

Outline application planning permission is sought for erection of a two storey, detached dwellinghouse (Class C3). All matters are reserved except for access and scale.

The proposed house is sited to the south of 31 Berry Brow and includes an associated, single storey, detached garage. The development area is bounded by the rear gardens associated with 43-47 Berry Brow and 1-3 Shaldon Drive.

The proposed house has currently been designed to present its principal frontage facing in a westerly direction. Access is proposed by opening up the blocked off area at the turning head between 29 and 31 Berry Brow to allow an extension of the turning head to form an access track.

Consultations & Notification Responses

Local Residents/Occupiers – 3 representations are received. Comments are summarised below:

- It is queried where exactly the proposed house is located.

- Concerns are raised in relation to overlooking and loss of privacy to an adjoining property.

- Concerns are raised with respect to surface water drainage due to problems associated with a recently built, neighbouring property.

Environmental Health – Conditions are recommended in relation to construction management, waste management, ground remediation and acoustic insulation.

Highway Services - The erection of a single detached residential dwelling is considered unlikely to give rise to any significant impact on the adjacent highway. This therefore poses no network capacity constraints given the minimal level of trips anticipated to be generated from the development

The site is located within a residential area in the south-east of Newton Heath. Regular bus services are routed along Edge Lane which is located within a walkable distance of the site, providing connections to the surrounding area.

Highways accept that the position of the dwelling will not affect the existing turning head on Berry Brow. This will remain fit for purpose and provides a turning space for vehicles to ensure no reversing manoeuvres are necessary onto the adopted highway.

It appears that driveway parking will be provided for 2-3 vehicles which is considered appropriate for a dwelling of this size.

In accordance with the Council's current planning requirements, Highways request that an electric vehicle charging point (min. 7kW) is provided in line with sustainability objectives.

It is understood that bins will be stored within the site's curtilage with residents responsible for placement / retrieval from Berry Brow. Highways no objection to this in principle.

Given access constraints at the site, clarification is sought with regard to the applicant's

intentions for delivery and the storage of construction materials off the public highway. It is recommended that a Construction Management Plan is conditioned and attached to any planning permission that may be granted.

Flood Risk Management – A condition is advised requiring the submission and agreement of a surface water drainage scheme.

Greater Manchester Police (Design for Security) – It is recommended that that development be designed and constructed to 'Secured by Design' standards.

Recommendations are made in relation to boundary treatment, lighting and entrance gates.

Greater Manchester Ecology Unit - The developer's ecological consultant identified no significant ecological issues. The development will however result in the loss of up to 0.15ha of semi-natural habitat, clarification that net gain will occur should be provided.

Conditions are recommended in relation to protected species, hedgehogs, works being carried out outside the bird nesting season and bio diversity enhancement.

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.

A number of UDP policies have also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies within the Core Strategy are considered relevant:

Policy SP1 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 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, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy H1 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 sited 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.

Unitary Development Plan for the City of Manchester, 1995 (Saved Policies)

The below saved policy of the Unitary Development Plan is also considered relevant:

Policy DC6.1- relates to 'backland' development and states that the Council will not normally grant consent for residential development on 'backland' site. That is, sites with limited access to a road because they are surrounded by houses or other uses.

Policy DC6.2 Development will not be permitted unless: there is no loss of privacy to adjoining dwellings; access and parking arrangements do not increase levels of noise and disturbance, the scale and design of development is compatible with the character of the surrounding area, there is sufficient space between adjoining buildings, the proposal does not involve the loss of trees or local habitats, the proposed and existing dwellings retain adequate levels of amenity space and where the built form or surrounding area maintain or enhance the character of an area, particularly within conservation areas.

The Guide to Development in Manchester (SPD) (2007)

The Guide to Development in Manchester is a supplementary planning document which 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 of the Council's 'Guide to Development in Manchester' 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 (2019)

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.

The Framework underlines a "presumption in favour of sustainable development". This means approving development, without delay, where it accords with the development plan and where the development is absent or relevant policies are out-of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

Relevant to this application is Section 12– 'Achieving Well-Designed Places'.

Paragraph 127 states:

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 39
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 130 goes onto state that:

'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents'.

Issues

Principle

The principle of the proposal is not considered acceptable.

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

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

It is maintained that the proposed development represents a fundamental departure from policy. Namely, saved policy DC6.1 of the UDP which states that 'backland' development will not normally be permitted.

The proposed dwellinghouses does not front a road and the site has limited access. The siting of the buildings to the rear of an existing dwellinghouses would also appear at odds with the pattern of development found in the immediate area and conflict with the surburban grain found along this section of road.

The implications of the proposal, notably the impact upon visual amenity as a consequence of the 'backland' position is explored in more detail below

'Backland Development and Impact upon the Character of the Area and Visual Amenity'

The principal policy that underpins the reason for refusal relates to saved policy DC6.2 of the Unitary Development Plan.

The policy is quite clear in that 'backland' development is not supported where the scale and design of development is incompatible with the character and of the surrounding area.

Policies DM1 and SP1 seek further to protect the character of areas, in order create neighbourhoods of choice, whilst policy H1 seeks to promote housing provision where design and density contribute to the character of the local area.

The policy is supported by supplementary planning guidance in the form of the 'Guide to Development in Manchester (SPD) and design guidance contained within the National Planning Policy Framework (NPPF).

In this case, the proposed dwellinghouse would take the form of a 'backland' cul-de-sac with the dwellinghouse accessed of a new access track which effectively involves an extension of the existing turning head between 29 and 31 Berry Brow.

This immediate area is characterised and defined by spacious plots, decent sized rear gardens and linear rows of properties that address the main road frontage to Berry Brow, the unadopted section of Berry Brow and Shaldon Drive, which present a dominant building line and pattern of development. There is no evidence in the immediate area of infilling having taken place, with the exception for a recently approved dwellinghouse to the rear of 29 Berry Brow, but this property fronts the main Berry Brow road frontage.

The siting of the proposed dwellinghouse would be at odds with the immediate context and 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 a garden area. Consequently, the proposed dwelling would not be well related to existing dwellings or the pattern of development in the locality and would result in an incongruous form of development. This in turn would have a harmful effect upon the character and appearance of the area.

Crime and Security

Policies DM1 and SP1 of the Core Strategy advocate the need for new development to have regard to security and the safety and well-being of residents.

The proposed dwellinghouse is positioned to the rear of existing dwellinghouses and would form a secluded area, unseen from the main road. This lack of natural surveillance from the public

domain would leave occupiers vulnerable to criminal activity, as the rear of the property would be opened up, with potential to access to the property unseen. The proposed access road would also open up the side of the neighbouring properties and create an isolated area that would lead to prospective and neighbouring occupiers vulnerable to criminal activity.

Trees and Ecology

The proposal would result in the loss of approximately 0.15 of semi natural habitat involving the loss of a mixed, deciduous woodland belt comprising Oak, Ash, Maple, Pine, Willow and Beech of category B/C status

Whilst these trees are not statutorily protected, their loss is regrettable.

It is considered however that through suitable mitigation as outlined within the response from Greater Manchester Ecology Unit (GMEU), the loss of trees and habitat should not form a barrier to development and could be mitigated by appropriate planning conditions.

This would include measures to increase bio-diversity and the agreement of an ecological enhancement plan to include, replacement planting, as well as measures to safeguard protected species.

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 polices 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 attempted to work 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) The proposed development by reason of its location to the rear of existing dwellinghouses and without its own road frontage constitutes 'backland' development. Having regard to the relationship of the proposed development with the surrounding properties in the area and due to the lack of a coherent relationship with the street-scene, the proposed development, would constitute an inappropriate and intrusive form of development which would be out of keeping with the character and pattern of development in the local area, to the detriment of visual amenity. The proposed development would also lack any natural surveillance from the main road frontage, which would leave occupiers vulnerable to criminal activity. As such, the proposed development is contrary to the provisions of policies SP1, H1 and DM1 of the Manchester Core Strategy, saved policies DC6.1 and DC6.2 of the Unitary Development Plan for the City of Manchester, the Guide to Development in Manchester (SPD) and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Neighbourhood Team Leader (Arboriculture)
MCC Flood Risk Management
Greater Manchester Police
Greater Manchester Ecology Unit

29 Berry Brow, Manchester, M40 1GR
45 Berry Brow, Manchester, M40 1GR
15 Shaldon Drive, Manchester, M40 1GS
53 Berry Brow, Manchester, M40 1GR
11 Shaldon Drive, Manchester, M40 1GS
51 Berry Brow, Manchester, M40 1GR
49 Berry Brow, Manchester, M40 1GR
47 Berry Brow, Manchester, M40 1GR
43 Berry Brow, Manchester, M40 1GR
27 Berry Brow, Manchester, M40 1GR
9 Shaldon Drive, Manchester, M40 1GS
7 Shaldon Drive, Manchester, M40 1GS
5 Shaldon Drive, Manchester, M40 1GS
3 Shaldon Drive, Manchester, M40 1GS
13 Shaldon Drive, Manchester, M40 1GS
1 Shaldon Drive, Manchester, M40 1GS

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 -
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH1