

Planning

Growth & Development

Delegated officer report for planning application

Application no. 127609/FO/2020

Date registered valid: 1 September 2020

Proposal: Erection of three storey building to create 3 x 2 bedroom flats (Class C3) together with associated parking and landscaping

Address: 129 Ashley Lane, Manchester, M9 4WR

Ward(s): Moston Ward

Applicant: Mr Williams 129 Ashley Lane, Manchester, M9 4WR

Agent (if any): Mr Williams 33 Cranberry Drive, Bolton, BL3 4TB

Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 22 October 2020

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit:

Standard consultations:

Printed: 4 September 2020

Expired: 25 September 2020

Neighbour notifications

Printed: 4 September 2020

Expired: 25 September 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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The Site - This application relates to the garden area of a two storey semidetached property 129 Ashley Lane. The site lies within a predominantly residential area of Moston, Manchester.

Description of development

The Proposal - Planning permission is sought for the erection of a three storey apartment building comprising of 3 x 2 bedrooms. The proposal includes two car parking spaces at the front of the flats facing Ashley Lane. The site would include a shared access to the rear of the building with the neighbouring property 129 Ashley Lane where amenity space and the refuse would be located. Each of the three flats comprise of 2 bedrooms, one with an ensuite, a main bathroom and a kitchen dining living room area.

Consultations & Notification Responses

The occupiers of the surrounding area were consulted, and no representations were received.

Environmental Health was consulted and suggested the following condition should be attached to the proposal should the proposal be supported, confining the hours of construction work and a contaminated land condition be attached to the consent and that the recycling and refuse arrangement are acceptable.

Highways Services were consulted and commented that they do not support the proposals as submitted on the basis of the following:

- Potential over-development of the site from an access and car parking perspective.
- With two spaces proposed for three 2-bed dwellings, there is insufficient on-site provision for car parking against the Council's Core Strategy guidance.
- Driveway parking is substandard against the Council's requirements for 6m in length x 3m width per space.
- The proposals encroach onto the neighbouring driveway of 129 Ashley Road making this area substandard for adequately accommodating a vehicle.
- No provision is shown for electric vehicle charging in accordance with the Council's sustainable development objectives

Flood Management Team were consulted and commented that a surface water drainage layout for the site, based on sustainable drainage principles be submitted.

Greater Manchester Police were consulted and suggested security measures to be incorporated into the proposal

United Utilities were consulted and recommended prior to the commencement of the proposal a condition for a surface water drainage scheme be added to the consent.

Issues

POLICIES

NATIONAL PLANNING POLICY FRAMEWORK

Chapter 2. Achieving sustainable development

7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

o An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

o A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

o An environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

Chapter 9. Promoting sustainable transport

e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

Chapter 12. Achieving well-designed places

124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

125. Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.

Policy SP1 Spatial Principles

Sets out the key spatial principles which will guide the strategic development of Manchester to 2027 and states that outside the City Centre and the Airport the emphasis is on the creation of neighbourhoods of choice. It also sets out the core development principles, including: creating well designed places, making a positive contribution to health, safety and well-being, considering the needs of all members of the community, and protecting and enhancing the built and natural environment.

Policy H1 - Housing

Proposals for new residential development should contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing population. The design and density of a scheme should contribute to the character of the local area and should include usable amenity space and be designed to give privacy to both residents and neighbours.

Policy EN1 - Design Principles and Strategic Character Areas

Development in Manchester will be expected to have regard to the strategic character area in which the development is located. Opportunities for good design should be fully realised, particularly on major radial routes.

Policy DM1 Development Management

seeks to ensure that new development contributes to the overall aim of the Core Strategy. The issues which should be considered are those which will ensure that detailed aspects of new development complement the Council's broad regeneration priorities in particular by contributing to neighbourhoods of choice.

DM1 covers the issues which need consideration and those relevant to this scheme are considered below.

Policy H3 North Manchester,

over the lifetime of the Core Strategy, will accommodate around 20% of new residential development. Priority will be given to family housing and other high value, high quality development where this can be sustained. High density housing will be permitted within or adjacent to the parts of North Manchester that fall within the Regional Centre (Strangeways and Collyhurst area) and within Cheetham Hill and Harpurhey district centres as part of mixed-use schemes as well as along high frequency public transport routes.

Unitary Development Plan for Manchester

DC5 Flat Conversions

DC5.1 In determining planning applications to convert property to flats, the Council will have regard to:

- a. the standard of accommodation for the intended occupiers of the premises;
- b. effects on adjoining houses as a result of noise from flats passing through party walls and affecting adjoining houses;
- c. adequacy of car parking, off-street car parking being normally required where practicable, and essential where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created;
- d. general effects on the character of the neighbourhood, including the extent to which flat conversion schemes are a new or an established feature of the immediate area, avoiding the loss of front gardens and the retention of existing trees and shrubs;
- e. adequate private outdoor amenity space;
- f. the desirability of achieving easy access for all, including disabled people (as a minimum, access for disabled people will normally be required in conversions of ground floor accommodation);
- g. the satisfactory provision of refuse storage and collection facilities.

DC5.3 Notwithstanding policy DC5.2, the Council will normally refuse permission for any developments in this category which:

- a. do not provide accommodation to the Council's current approved standards;
- b. are in tightly-packed residential streets where there is no scope for off-street car parking and where there is already an acknowledged problem of on-street congestion;
- c. involve conversion schemes without adequate private external amenity space;
- d. are schemes without satisfactory refuse storage and collection facilities.

DC5.4 In determining applications of this kind, the Council will give particularly careful

consideration to situations where a scheme is the first in a street of otherwise single family dwellings, the Council will give weight to the desirability of maintaining the character of the street in that respect.

Policy DC26 Development and Noise

DC26.1 The Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a. the effect of new development proposals which are likely to be generators of noise; and
- b. the implications of new development being exposed to existing noise sources which are effectively outside planning control.

Guide to Development in Manchester

- o A high quality environment is created by buildings which reflect their purpose and respect the place in which they are located and new development should be designed having full regard to its context and the character of the area.
- o Preserve or enhance buildings and areas of architectural and historic importance together with their settings.
- o Buildings should present their main face and pedestrian entrance to the adjacent main street, to contribute to its vitality and interest
- o Buildings should relate well to each other. The scale, position and external appearance of new buildings should respect their setting and relationship to adjacent buildings, enhance the street scene and consider their impact on the roof line and skyline.
- o All residents should enjoy useable private amenity space wherever they choose to live in the City. All new developments should be designed to provide on-site amenity space which is fit for purpose and which is informed by, and relates to, the character of the area

Manchester Residential Quality Guidance

The City Council's Executive has recently endorsed the Manchester Residential Quality Guidance. As such, the document is now a material planning consideration in the determination of planning applications and weight should be given to this document in decision making.

The purpose of the document is to outline the consideration, qualities and opportunities that will help to deliver high quality residential development as part of successful and sustainable neighbourhoods across Manchester. Above all the guidance seeks to ensure that Manchester can become a City of high quality residential neighbourhoods and a place for everyone to live. Of particular relevance to this application the Guidance states that proposals should:

- o Seek to exceed the Nationally Described Space Standards
- o Provide sufficient storage space
- o Provide sufficient private amenity space in the most appropriate location

Principle

Although this a residential area and proposals for residential accommodation would generally be considered acceptable in principle, this proposal would result in the over development of the site and therefore the principle of development is not supported. The proposal would also provide apartment accommodation when the demand for accommodation in the local area is for family accommodation with gardens and appropriate levels of parking.

Siting and layout

The width of the plot between the buildings at 129 Ashley Lane and 131 Ashley Lane is approximately 7.3m and the proposed block is positioned between two existing two-storey buildings with a gap of approximately 1m on one side. It is considered that this plot is too narrow to accommodate a residential block and the proposal would have an uncomfortable relationship with the existing properties, completely losing the sense of space around these buildings and giving a cramped appearance with an unacceptable impact on the street scene and out of character with the pattern of development in the area.

The proposed building would over project the building line of 129 Ashley Lane by approximately 4.6m.

The proposed site plan provided indicates that two car parking spaces would be available in the front garden. However, the proposal encroaches onto the neighbouring driveway of 129 Ashley Road making this area substandard for adequately accommodating vehicles for the amount of flats within the development. Therefore, the proposal is considered to be contrary to DM1, SP1 of the Core Strategy for Manchester and the Unitary Development Plan for Manchester Policy DC5.

Design and appearance

The proposal comprises of accommodation over three floors. The exterior of the front elevation depicts three levels unlike the neighbouring properties which are all two storeys with the exception of the larger scaled apartment building situated further along Ashley lane is three storey in height.

The application site lies within the side garden of no 129 Ashley Lane which is one of four semidetached properties in row, the two sets of semidetached properties are identical in designed terms and are sited on either side of the Mapledon Road and Ashley Lane. These four properties are characterised by robust boundary treatments made out of brick and railings and soft landscaping. The proposed development including the car parking at the front would undermine the established format and appear incongruous with the immediate street scene dominating the frontage and limited opportunity for boundary treatment to define the street edge and as result would have an unacceptable impact on the street scene and be out of character with the pattern of development in the area. Therefore, the proposal is considered to be contrary to DM1, SP1 of the Core Strategy for Manchester and the Unitary Development Plan for Manchester Policy DC5. Guide to Development in Manchester.

Standard of accommodation

The proposal comprises of 3 x 2 bedroom flats. The adopted Residential Design Guidance requires dwellings to comply with the National Described Space Standards as a minimum. Two-bedroom units should be a minimum of 83 square metres. All of the units in this proposal fall short of these required standards, as the two-bedroom units are 69.4 square metres approximately. In terms of quality, the flats are considered to be overly cramped given this limited amount of floor-space. Potentially, the lack of adequate useable floor-space could have knock-on effects on the health and well-being of future occupiers. The proposal fails to provide a high quality of housing for future residents. Therefore, the proposal is contrary to policy DM1, SP1 of the Core Strategy for Manchester and the Unitary Development Plan for Manchester Policy DC5, the Guide to Development in Manchester and Manchester Residential Quality Guidance.

Traffic, parking and access

The Highways Team were consulted and commented that they do not support the proposals as there is over-development of the site from an access and car parking perspective. As it appears from the drawing that there are two spaces proposed excluding the car parking space for the neighbouring property, for three 2-bed dwellings and there is insufficient on-site provision for car parking against the Council's Core Strategy guidance. Furthermore, the driveway parking is substandard against the Council's requirements for 6m in length x 3m width per space. The spaces provided measure 5.5m x 2.4m, and the proposals encroach onto the neighbouring driveway of 129 Ashley Road making this area substandard for adequately accommodating a vehicle. Therefore, the proposal is contrary to policy DM1, SP1 of the Core Strategy for Manchester and the Unitary Development Plan for Manchester Policy DC5, the Guide to Development in Manchester and Manchester Residential Quality Guidance.

Residential Amenity

The proposed building is located between two buildings with less than 1m gap to one side and appears to be attached on the other. The proposal would have a significant overbearing impact on the neighbouring property particularly 129 Ashley Lane as the rear of the building would project by 4.6 metres beyond the building line with 129 Ashley Lane. Furthermore, there would be with a subsequent adverse impact on their residential amenity in relation to the loss of amenity space at the front and back of the neighbouring property. The proposed building, by virtue of its location, position, orientation and height, would overshadow the rear gardens of 129 and 131 Ashley Lane to a significant extent, which is to the detriment of the amenities of those occupiers. The proposal would involve a significant increase in the number of vehicular movements and waste removal directly to the front of 129 and 131 Ashley Lane, causing a significant loss of amenity due to associated noise and disturbance where this situation would not have existed previously. This would also affect 131 Ashley Lane to a lesser degree, although this would nonetheless represent a significant increase on the present situation. Therefore, the proposal is contrary to policy DM1, SP1 of the Core Strategy for Manchester and the Unitary Development Plan for Manchester Policy DC5 and DC26.

Residential amenity: private amenity space.

It is considered that the proposal would not offer a level of private amenity space commensurate with the characteristics of the area or fit for the number of dwellings which it is proposed to serve and therefore contrary to policy

Overdevelopment

The proposed development would squeeze an additional three storey property into what is in essence a small garden and a driveway. The proposed development would represent overdevelopment of the site, on a scale incongruous to that of the neighbouring two-storey dwelling houses at Ashley Lane and Mapledon Road. It would appear to offer an uncomfortable visual relationship with the existing dwellings by virtue of its height, scale and orientation. The intrusion of a relatively large building, by virtue of its scale, height and massing, and a high density of occupation to the relative tranquillity and open character of the land/amenity space to the rear and side of Ashley Lane would be detrimental to the overall quality of the residential environment.

Conclusion

It is acknowledged that the NPPF seeks to boost the supply of housing and requires that housing applications be considered in the context of the presumption in favour of sustainable development. The proposed scheme is however considered to have an unsatisfactory relationship with adjoining properties in terms of visual and residential amenity and there are concerns about whether the site can, in principle, accommodate any form of residential development. It is considered that the lack of space between the proposed block and its boundaries mean that it would appear cramped on the plot and at odds with the current spacious setting and the harm arising from the development would significantly and demonstrably outweigh the benefit of the provision of additional residential accommodation. This is underlined by the fact that the proposed flats do not meet the standards required in terms of size and have no external amenity space

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:

Article 35 Declaration

The proposal does 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 erection of three storey building to create 3 x 2 bedroom flats, with associated car parking, would result in the over development of the application site from increased noise and activity from comings and goings due to the increased levels of domestic activity taking place at the site together additional refuse and amenity space demands. The proposal would also be out of character with the type of accommodation in the local area and result in the creation of apartment accommodation within an area where the demand is for family housing. Due to the close proximity of the development to the neighbouring dwellings the proposal would have an overbearing and overshadowing impact. These issues will have an unduly harmful impact on the residential amenity of the proposed occupants of this property and the surrounding area. This is contrary to the provisions of

policy SP1, H3 and DM1 of the Manchester Core Strategy (July 2012), saved policies DC5 and DC26 of the Unitary Development Plan for the City of Manchester (1995) and the National Planning Policy Framework.

2) The proposed development, by reason of its siting, scale, massing and appearance together with the creation of car parking would be out of character with the local area. The proposed development appears incongruous with the immediate street scene together with car parking dominating the frontage and limited opportunity for boundary treatment to define the street edge. The proposal will therefore have a detrimental impact on the character and visual amenity of the surrounding area which is contrary to Policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012), Residential Quality Guidance and the National Planning Policy Framework and National Planning Policy Guidance.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police

94 Ashley Lane, Manchester, M9 4NT
7 Alison Kelly Close, Manchester, M9 4QN
5 Alison Kelly Close, Manchester, M9 4QN
3 Alison Kelly Close, Manchester, M9 4QN
1 Alison Kelly Close, Manchester, M9 4QN
3 Mapledon Road, Manchester, M9 4QG
1 Mapledon Road, Manchester, M9 4QG
127 Ashley Lane, Manchester, M9 4WR
125 Ashley Lane, Manchester, M9 4WR
Flat 2, 135 Ashley Lane, Manchester, M9 4WR
Flat 1, 133 Ashley Lane, Manchester, M9 4WR
Flat 2, 133 Ashley Lane, Manchester, M9 4WR
Flat 4, 131 Ashley Lane, Manchester, M9 4WR
Flat 2, 131 Ashley Lane, Manchester, M9 4WR
3A Mapledon Road, Manchester, M9 4QG
133 Ashley Lane, Manchester, M9 4WR
131 Ashley Lane, Manchester, M9 4WR
Flat 3, 135 Ashley Lane, Manchester, M9 4WR
Flat 1, 135 Ashley Lane, Manchester, M9 4WR
Flat 3, 131 Ashley Lane, Manchester, M9 4WR
Flat 3, 133 Ashley Lane, Manchester, M9 4WR
Flat 6, 131 Ashley Lane, Manchester, M9 4WR
Flat 5, 131 Ashley Lane, Manchester, M9 4WR
Flat 1, 131 Ashley Lane, Manchester, M9 4WR
96 Ashley Lane, Manchester, M9 4NT

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