

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140613/NMC/2024

Date registered valid: 25 July 2024

Proposal: Non-material amendment to planning approval reference 137919/FO/2023 to amend the siting of the location of the driveway for Plot 2, amending proposed footpaths location and alteration of window mullions.

Address: Willow Park Housing Trust, 34 Benchill Road, Manchester, M22 8LF

Ward(s): Northenden Ward

Applicant: Helen Milne, Wythenshawe Community Housing Group

Agent (if any): MDA General Michael Dyson Associates Ltd.

Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 21 August 2024

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
No neighbour notifications have been printed and sent.

Site notice
No site notice has been produced

Press advert
No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

The application relates to an island site bordered by Benchill Road, Rothley Avenue, Newhey Road and Benchill Avenue. The site is currently occupied by The Enterprise Centre and associated outbuilding. All properties on the site are under Wythenshawe Community Housing Group ownership. The site, which is shown below, is located within a predominantly residential area.



Listed building: No
Conservation area: No
Tree Preservation Order: No

Description of development

The applicant obtained planning permission in December 2023 (137919/FO/2023) for the following:

Erection of 9no. two storey houses, 2no. bungalows and 2no. two storey apartment buildings (total of 12 apartments) together with associated landscaping, car parking and boundary treatments following demolition of the existing building.

They are now applying for a non-material amendment for the following:

- a) Amendments to the siting of the location of the driveway for Plot 2
- b) Amendments to the location of proposed footpaths
- c) Alteration of window mullions.

Consultations & Notification Responses

n/a

Policies

The National Planning Policy Framework (December 2023) – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Core Strategy Development Plan Document – 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 been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below:

Policy SP1, Spatial Principles – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy H1, Overall Housing Provision – This policy states that the proportionate distribution of new housing, and the mix within each area, will depend on a number of factors and goes on to state 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.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of specific issues, of which the following are of most relevance:-

- 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.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Community safety and crime prevention.
- Design for health.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Flood risk and drainage.

Issues

Principle of the Proposal – The principle of the proposed amendments is considered acceptable. Notwithstanding this, the potential impact upon existing levels of residential and visual amenity, as well as pedestrian and highway safety, must be assessed.

Space Standards – The City Council adopted the Manchester Residential Quality Guidance in December 2016 and within that document reference is made to the use of a combination of the Nationally Described Space Standards and the London Housing Design Guide space standards to form Manchester's space standards for residential developments.

The amount of floor space proposed for each dwellinghouse remains acceptable and in line with the above guidance.

Affordable Housing – The application is submitted by Wythenshawe Community Housing Group and it is their intention for the scheme to be 100% affordable, split equally between affordable home ownership and social, affordable or intermediate rent, with the mix as follows:

- 12 x 2 bed flats – social, affordable or intermediate rent
- 2 x 4 bed houses – social, affordable or intermediate rent
- 2 x 2 bed houses – social, affordable or intermediate rent
- 2 x 2 bed houses – affordable home ownership
- 5 x 3 bed houses – affordable home ownership

Vehicular Access – While the location of one of the driveways (plot 2) and associated footpath would be swapped, this amendment does not raise any pedestrian or highway safety concerns.

Parking – Each of the dwellinghouses would have car parking for one or two vehicles, depending on their size. The parking provision for the apartments is at 100%, i.e. 12 spaces. Overall, the level of provision is still considered acceptable.

Residential Amenity – The proposed amendments to the scheme would not detrimentally impact the levels of residential amenity enjoyed within the vicinity of the site.

Design – The minor amendments to the window design (positioning of mullions) in order to provide escape windows is considered acceptable and would not detract from the overall appearance of the proposal.

Siting – The proposed buildings would all offer an active frontage to their respective roads and the set-back distances would be similar to that seen in the surrounding neighbourhood. As such, the siting of the proposal remains acceptable.

Accessibility – Level access into the dwellinghouses would be provided, as well as the ground floor apartments. In addition, the bungalows would be wheelchair accessible and one of the 4B8P dwellinghouses has been designated as an “Adaptable House”. Overall, the level of provision remains acceptable.

Visual Amenity – Given the residential character of the neighbourhood and the design of the proposal, it is still considered that the proposal would not have a detrimental impact upon the existing levels of visual amenity enjoyed within the vicinity of the site.

Other Legislative Requirements

Equality Act 2010 – Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

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

1) The details of the proposed amendments are: -

- a) Amendments to the siting of the location of the driveway for Plot 2
- b) Amendments to the location of proposed footpaths
- c) Alteration of window mullions.

2) Following an assessment of the details submitted, I can confirm that the proposed amendments are considered to be of a non-material nature and are considered to be acceptable to the City Council as the Local Planning Authority. The City Council is satisfied that the proposed changes will have no material impact upon the levels of residential and visual amenity and pedestrian and highway safety enjoyed within the vicinity of the site.

3) The development hereby approved shall be carried out in accordance with the following drawings received on 25 August 2023:

- a) 8933-MDA-APT-XX-DR-A-100 - Apartment Block Proposed Plans
- b) 8933-MDA-2B3P-XX-DR-A-110 rev A - Bungalow 2B3P Proposed Floor Plan
- c) 8933-MDA-2B4P-XX-DR-A-120 - House Type 2B4P Proposed Floor Plans
- d) 8933-MDA-3B5P(a)-XX-DR-A-130 - House Type 3B5P (a) Proposed Floor Plans
- e) 8933-MDA-3B5P(b)-XX-DR-A-140 - House Type 3B5P (b) Proposed Floor Plans
- f) 8933-MDA-4B8P-XX-DR-A-150 rev A - House Type 4B8P Proposed Plans & Elevations
- g) 8933-MDA-ST-XX-I-A-700 - Proposed Site Visuals
- h) 8933-MDA-ST-XX-I-A-701 - Proposed Site Visuals
- i) 8933-MDA-ST-XX-I-A-702 - Proposed Site Visuals
- j) 8933 Rev B -Design and Access Statement

and the following drawings received on 25 July 2024:

- k) 9031-MDA-AB-ZZ-DR-A-201 rev C02 - Proposed Side Elevations - AB
- l) 9031-MDA-2B3P-ZZ-DR-A-210 rev C05 - Proposed Elevations - HT 2B3P M4(3)
- m) 9031-MDA-2B4P-ZZ-DR-A-220 rev C04 - Proposed Elevations - HT 2B4P
- n) 9031-MDA-3B5P(a)-ZZ-DR-A-230 rev C05 - Proposed Elevations - HT 3B5P(a)
- o) 9031-MDA-3B5P(b)-E-DR-A-240 rev C04 - Proposed Elevations - HT 3B5P(b)
- p) 9031-MDA-4B8P-ZZ-DR-A-260 rev C05 - Proposed Elevations - HT 4B8P(a)
- q) 9031-MDA-AB-ZZ-DR-A-200 rev C04 - Proposed Elevations Front & Rear - AB

and the following drawings received on 7 August 2024:

- r) 8933-MDA-ST-XX-DR-A-903 rev I - Proposed Boundary Treatment
- s) 8933-MDA-ST-XX-DR-A-902 rev K - Proposed Site Plan
- t) 8933-MDA-ST-XX-DR-A-910 rev A - Proposed Landscape Plan

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA