

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138761/FO/2023
Date registered valid: 6 February 2024
Proposal: Erection of 1 No. 2 bedroom dwelling and associated landscaping and parking and creation of access for parking to 239 Barlow Moor Road.
Address: 239 Barlow Moor Road, Manchester, M21 7QL
Ward(s): Chorlton Park Ward

Applicant: Mr & Mrs Tadman
Agent (if any): Mr Simon Casey BlueChip Architecture Ltd
Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 2 April 2024



Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 29 February 2024

Standard consultations:

Printed: 14 February 2024 Expired: 6 March 2024

Neighbour notifications

Printed: 14 February 2024 Expired: 6 March 2024

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

239 Barlow Moor Road is a 2 storey detached dwelling located to the east of the Barlow Moor Road/Aldermay Road. To the north of the site, on the opposite side of Barlow Moor Road, lies Southern Cemetery, while to the south stands no. 1 Aldermay Road, one half of a pair of 2 storey semi-detached dwellings. To the east of the site there are further dwellings, while to the west, on the opposite side of Aldermay Road, there is a café/restaurant operating out of no. 241 Barlow Moor Road.

The area to the south of Barlow Moor Road is predominantly residential in nature, while Barlow Moor Road in this location is made up of a mix of dwellings and commercial uses.

Listed building: No

Conservation area: No

Tree Preservation Order: No

Description of development

The applicant is proposing to erect a two storey dwelling in the rear garden of no. 239 Barlow Moor Road, following demolition of the existing single storey garage. Pedestrian and vehicular access to the proposed dwelling would be taken via Aldermay Road.

The existing and proposed site layouts are shown below:



Consultations & Notification Responses

Local Residents – No comments received.

Highway Services – Have made the following comments:

- It should be noted that all individual driveway parking spaces should be a minimum of 3.0m x 6.0m to ensure that vehicles / pedestrians do not impact on the adopted highway.
- It is required, in line with MCC Residential Guidelines, that the provision of an Electrical Vehicle charging point (minimum 7kW) is made available for the proposed residential development.
- In line with MCC Residential Guidelines, secure and sheltered cycle parking provision should be made, within the curtilage of the proposed dwelling, at a provision of one per unit.
- It is recommended that all fencing / railings adjacent to the adopted highway are visually permeable from a distance of 600mm upwards to ensure adequate visual permeability for child pedestrians. 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 highway.
- Waste bins are to be located within the curtilage of the proposed dwelling. Highways consider this to be acceptable to prevent any obstruction to passing pedestrians on the adjacent footway.
- 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.

Environmental Health – Suggests the imposition of several conditions designed to protect public health and residential amenity.

United Utilities Water PLC – Advise that the drainage scheme be informed by the guidance contained with the NPPF and NPPG in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;

4. to a combined sewer.

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.

In addition to the above, Section 5 (*Delivering a sufficient supply of homes*) is of relevance:

Paragraph 60 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.

Paragraph 70 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.

National Design Guide (January 2021) – The NPPF makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. The National Design Guide (NDG) illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

Places for Everyone – The Inspectors' Report on the examination of the Places for Everyone plan was published on 15 February 2024. The Inspectors' Report sets out and justifies their recommendations in relation to the plan, and they have concluded that all legal requirements have been met and that with the recommended main modifications set out in the appendix to their report, the Places for Everyone plan is 'sound'. Given the stage the Plan has reached, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

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 H6, *South Manchester* – South Manchester will accommodate around 5% of new residential development over the lifetime of the Core Strategy. High density development in South Manchester will generally only be appropriate within the district centres of Chorlton, Didsbury, Fallowfield, Levenshulme, and Withington, as part of mixed-use schemes. Outside the district centres priorities will be for housing which meets identified shortfalls, including family housing and provision that meets the needs of elderly people, with schemes adding to the stock of affordable housing.

Policy DM1, *Development Management* – This policy states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

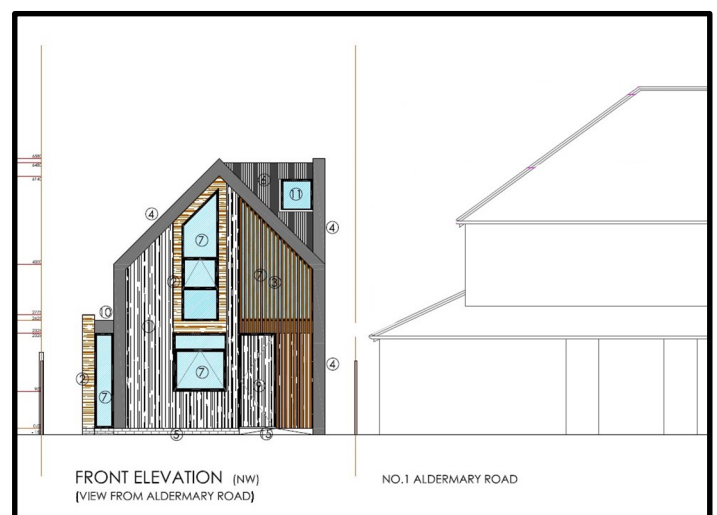
- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, 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.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- Flood risk and drainage.
- Existing or proposed hazardous installations.
- Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques.

Issues

Principle of the Proposal – Whilst the area is residential in nature, the principle of erecting a bungalow on this site is not acceptable. The site is much smaller than the plots seen throughout this estate and this has resulted in a pattern of development and dwelling out of character with those seen on Aldermar Road. In addition, given the constraints of the plot's size, insufficient private amenity space would be provided for the future occupants of the bungalow.

Character of the Area – The predominant character along Aldermar Road is one of dwellings that follow a recognised building line and distinct pattern of development that consist of regularly spaced Inter-War style dwellings, mainly semi-detached, with gardens to the front, parking facilities to the side and generous gardens to the rear, views of which can be glimpsed through the aforementioned regular spacing. This proposal would see the introduction of a detached dwelling in close proximity to no. 1 Aldermar Road. The siting of the proposed dwelling in this location would conflict with the existing pattern of development, primarily due to the loss of space between neighbouring properties and the provision of an inadequately sized rear garden.

Visual Amenity – The proposed development fails to pick up on the predominant features and overall character of the dwellings on Aldermar Road. Given this and its siting in close proximity to the neighbouring property, it is considered that the resultant structure would have a detrimental impact on the existing levels of visual amenity enjoyed in the vicinity of the site.



Residential Amenity – Given the orientation of the proposed and neighbouring dwellings it is not considered that the proposal will lead to any loss of privacy. However, it is considered that introducing a dwelling in this location would have a detrimental impact on the levels of residential amenity enjoyed by the occupants of no. 1 Aldermay Road, as a result of the additional comings and goings of future residents and their visitors.

Standards of Accommodation – As over 70m² of accommodation is proposed, the proposal complies with the City Council's space standards.

Notwithstanding this, given the ratio of building footprint to plot size there is little room for the provision of private amenity space. While there is amenity space to the side of the property, the only private amenity space on offer would be a small rectangular area (paved and lawned) 2.5m in depth at the rear of the proposed dwelling. This is considered insufficient for the future occupants.

Pedestrian and Highway Safety – It is not considered that the dwelling would significantly increase the level of traffic along Aldermay Road so as to prove detrimental to the levels of pedestrian and highway safety enjoyed along that road. In addition, given the parking provision exceeds 100% the development would not lead to an increase in on-street parking.

Car Parking – The level of car parking is considered acceptable in this instance.

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: Refuse

Article 35 Declaration

The proposal was assessed against the policies within the Manchester Core Strategy Development Plan Document, the guidance contained within the National Planning Policy Framework and National Design Guide. The applicant was advised that the provision of residential accommodation in this location would not be appropriate as it was out of character with the pattern of development and have an unduly detrimental impact upon neighbouring residents. As the nature of the proposal was considered to be unacceptable and the applicant has requested that the proposal be determined in its current format, a solution that was acceptable to both the Local Planning Authority and the applicant could not be reached.

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

1) The proposed development, by reason of its design and siting, would be out of character with the historic pattern of development in the area and result in an incongruous feature in the streetscene. It would therefore be detrimental to existing levels of visual amenity enjoyed within the vicinity of the site and contrary to Policies SP1 and DM1 in the Manchester Core Strategy and the guidance contained within the National Planning Policy Framework and National Design Guide.

2) The proposed development, due to its design and layout, would result in the provision of inadequate levels of private external amenity space for the proposed dwelling. As a result, the proposal would be contrary to the guidance contained within the Manchester Residential Quality Guidance, the National Planning Policy Framework, the National Design Guide and policy DM1 in the Manchester Core Strategy.

3) The siting of an additional dwelling in the location proposed would lead to a loss of residential amenity for the residents of no. 1 Aldermay Road as a consequence of the comings and goings of the future occupants and their visitors and the associated noise and disturbance. The proposed development would therefore conflict with policies DM1 and SP1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services

Environmental Health

United Utilities Water PLC

2B Aldermay Road, Manchester, M21 7QN

2A Aldermay Road, Manchester, M21 7QN

3 Aldermay Road, Manchester, M21 7QW

1 Aldermay Road, Manchester, M21 7QW

2 Aldermay Road, Manchester, M21 7QN

245A Barlow Moor Road, Manchester, M21 7QL

243A Barlow Moor Road, Manchester, M21 7QL

243 Barlow Moor Road, Manchester, M21 7QL

235 Barlow Moor Road, Manchester, M21 7QL

245B Barlow Moor Road, Manchester, M21 7QL

237 Barlow Moor Road, Manchester, M21 7QL

4 Aldermay Road, Manchester, M21 7QN

245 Barlow Moor Road, Manchester, M21 7QL

241 Barlow Moor Road, Manchester, M21 7QL

Southern Cemetery, Barlow Moor Road, Manchester, M21 7GL

214 Barlow Moor Road, Manchester, M21 7GL

210 Barlow Moor Road, Manchester, M21 7GL

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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA