

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134492/FO/2022

Date registered valid: 21 November 2022

Proposal: Erection of 4 dwellinghouses (Class C3) with associated parking, landscaping and boundary treatment

Address: Waterloo Road, Cheetham, Manchester

Ward(s): Cheetham Ward

Applicant: Shah Property Ltd

Agent (if any): David Ormesher, Holborow And Ormesher

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

Recommendation: Refuse

Date of recommendation: 18 April 2024

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 20 December 2023

Standard consultations:

Printed: 6 December 2022 Expired: 27 December 2022

Neighbour notifications

Printed: 30 November 2022 Expired: 21 December 2022

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

The application site relates to a triangular grassed piece of land, the site is vacant and is bound by Waterloo Road and Abercarn Close.

Description of area

The application site is situated along Waterloo Road on the western edge. The site is identified within the core strategy for Manchester under policy EC4 and H3.

The side of road to which the site relates is dominated by residential properties. However, there are a mix of uses along this part of Waterloo Road.

On the opposite side of Waterloo Road, the area becomes predominantly residential in character, including properties situated above a slightly raised, landscaped area.

Description of development

Planning permission is sought for the erection of 4 dwellinghouses (Class C3) with associated parking, landscaping and boundary treatment.

The proposed buildings are to be orientated to provide frontages to Waterloo Road and rear gated vehicular access from Abercarn Close. One vehicle access to the residential driveway

would take place from Abercarn Close and the remaining three driveways are accessed from the cul de-sac known as Abercarn Close.

Site History

133644/FO/2022 Erection of 6 dwellinghouses (Class C3) with associated parking, landscaping and boundary treatment. Withdrawn

129373/FO/2021 Erection of 6 dwellinghouses (Class C3) with associated parking, landscaping and boundary treatment. Withdrawn

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted and no representation was received.

The Highways Team -The updated plan proposed 3 parking spaces at the rear of the properties via Abercarn Close, which is currently used as a parking area by existing residents in adjacent properties to the development site. These parking spaces (approximately nine spaces) will be lost with the development of the new properties and driveways. Highways have some concerns about the loss of these spaces and the impact this will have on Abercarn Close.

The fourth will be accessed via Abercarn Close. It is recommended that a H-Bar be installed at this driveway.

As per Highways comments in relation to application 129373/FO/2021 and 133644/FO/2022 Highways do have concerns over the loss of the parking area at the rear of the development site.

Environmental Health - commented that should the proposal be supported a construction management plan, acoustic insulation, air quality and contaminated land conditions be attached to the consent.

The Flood Team - commented the development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles of the implementation, maintenance and management of the sustainable drainage scheme have been submitted.

Greater Manchester Police - no representation was received.

Issues

Policy

The following policy and guidance is considered relevant to the consideration of this application:

- Policies DM1, SP1, T1 of the Core Strategy.
- The Guide to Development in Manchester (SPD);
- Places for Everyone
- National Planning Policy Framework (NPPF).

Places for Everyone (2024) -

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. The plan was adopted by the Council on 20 March 2024 and will come into effect from 21 March 2024. The

plan sets out the kind of development that takes place across the city-region. It maximises the use of brownfield land and urban spaces; protects green belt land from the risk of unplanned development; releases some sites for housing and employment in key locations; ensures we integrate all new developments into Greater Manchester's transport network. Otherwise, new roads and transport will support them. The Plan and its policies are now a material planning consideration in the determination of planning applications, and therefore be given significant weight in the planning balance.

Issues

Principle

Having regard to the existing planning policy framework, City Council policy and national planning guidance, the principle of the development is considered acceptable. Policy H1 outlines the strategic approach to housing growth in the City. Approximately 60,000 new homes need to be provided in the City between 2009 and 2027. This growth is expected to be accommodated principally within the North, East, City Centre and central areas of Manchester which fall within the Regional Centre and inner areas of Manchester. This is as a direct response to Manchester's growing economy and population growth the later which is expected to rise significantly over the next 20 years.

New developments in the City will therefore be expected to contribute towards this growth strategy ensuring that development takes place within the right areas to meet demands along with creating high quality places and neighbourhoods of choice.

Policy H1 goes on to state that the Regional Centre is a priority area for residential schemes in order to support regeneration and drive regional growth.

Policy H3 states further that 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.

Given the overarching policy context, it is considered that the general principle of the proposed use would be acceptable in this location. However, other considerations are taken into account such as design, amenity, servicing and car parking also need to be considered. In this instance, the applicant has failed to demonstrate how the loss of car parking spaces would impact local residents.

Impact on the highway

The applicant provided further information to the highways team for assessment. However, the further information was not sufficient to address the issues raised by highways.

Highways raised concerns that the rear of the site where the driveway for the proposed dwellings would be access currently provides car parking provision for residents. The majority of residential units in the vicinity of the site rely on on-street car parking provision.

The applicant has failed to demonstrate whether the area which is currently used as a parking area by existing residents in adjacent properties would be affected by the proposal. The parking spaces (approximately nine spaces) would be lost with the development of the new properties

and driveways. Highways have concerns about the loss of these spaces and the impact this will have on Abercarn Close. Therefore, without the applicant demonstrating the impact the development would have on the current parking arrangements the proposal cannot be supported.

Given the above, the applicant has failed to demonstrate the driveways can be effectively accessed without displacing resident's current car parking provision.

This is contrary to policies T1, SP1 and DM1 of the Manchester Core Strategy.

The proposal is contrary to the policies set out below.

SP1, States, 'development in all parts of the City should create well designed places that enhance or create character and make a positive contribution to the health, safety and wellbeing of residents' The proposal is contrary to SP1, as the impact of the proposal in terms of displacing existing car parking in and around the site. Therefore, the proposal is considered to be unacceptable as the applicant has not demonstrated the impact of precluding car parking.

Policy DM1

States, 'all development should have regard to the following specific issues;

- o Appropriate siting, layout, scale, form, and massing.
- o Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development.
- o Effects on road safety and traffic generation.
- o Community safety.
- o Vehicular access and car parking.

The proposal is contrary to policy DM1, as the applicant has failed to demonstrate the effectiveness of the layout of the development, and therefore, potentially, could hinder the effective operation of the use of the driveways. Therefore, the current proposal may be unacceptable in terms of vehicular access and car parking, to the detriment of vehicular access and car parking within the area.

Policy T1, States, proposal should promote regeneration and economic vitality by relieving traffic congestion and improving access to jobs and service, developments should reduce the negative impacts of road traffic, for example, congestion. The proposal is considered to be contrary to policy T1, as the applicant has failed to demonstrate how the site would operate in terms of negating current car parking provision.

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

Officers have worked 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 before and 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 applicant has failed to provide sufficient details to fully assess the proposal. The proposal includes three parking spaces at the rear of the properties via Abercarn Close, which is currently used as a parking area by existing residents. These parking spaces (approximately nine spaces) will be lost with the development of the new property's driveways.

The application has failed to provide details relating to the impact on current parking provision available to residents. This is contrary to policies T1, SP1 and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police
Greater Manchester Ecology Unit
Greater Manchester Ecology Unit
Greater Manchester Police
MCC Flood Risk Management
Environmental Health

Hightown Post Office, 365 Waterloo Road, Cheetham, Manchester, M8 9SB
Manchester North Letters Delivery Office, 365 Waterloo Road, Cheetham, Manchester, M8 9AA
365 Waterloo Road, Cheetham, Manchester, M8 9SB

328 Waterloo Road, Cheetham, Manchester, M8 0AX
80 Brideoak Street, Manchester, M8 0AB
5 Abercarn Close, Manchester, M8 9AL
44 Abercarn Close, Manchester, M8 9AL
3 Abercarn Close, Manchester, M8 9AL
332 Waterloo Road, Cheetham, Manchester, M8 0AX
330 Waterloo Road, Cheetham, Manchester, M8 0AX
1 - 3 Morrowfield Avenue, Manchester, M8 9AR
9 Abercarn Close, Manchester, M8 9AL
46 Abercarn Close, Manchester, M8 9AL
1 Abercarn Close, Manchester, M8 9AL
5 Lenthall Walk, Manchester, M8 9QR
8 Morrowfield Avenue, Manchester, M8 9AR
5 Morrowfield Avenue, Manchester, M8 9AR
4 Morrowfield Avenue, Manchester, M8 9AR
28 Morrowfield Avenue, Manchester, M8 9AR
76C Brideoak Street, Manchester, M8 0AB
76B Brideoak Street, Manchester, M8 0AB
76A Brideoak Street, Manchester, M8 0AB
Collegiate Dental Practice, 76 Brideoak Street, Manchester, M8 0AB
334 Waterloo Road, Cheetham, Manchester, M8 0AX
7 Abercarn Close, Manchester, M8 9AL
48 Abercarn Close, Manchester, M8 9AL
42 Abercarn Close, Manchester, M8 9AL
32 Abercarn Close, Manchester, M8 9AL
30 Abercarn Close, Manchester, M8 9AL
28 Abercarn Close, Manchester, M8 9AL
26 Abercarn Close, Manchester, M8 9AL
24 Abercarn Close, Manchester, M8 9AL
22 Abercarn Close, Manchester, M8 9AL
20 Abercarn Close, Manchester, M8 9AL
18 Abercarn Close, Manchester, M8 9AL
13 Abercarn Close, Manchester, M8 9AL
11 Abercarn Close, Manchester, M8 9AL
86 Brideoak Street, Manchester, M8 0AB
84 Brideoak Street, Manchester, M8 0AB
82 Brideoak Street, Manchester, M8 0AB
78 Brideoak Street, Manchester, M8 0AB
9 Lenthall Walk, Manchester, M8 9QR
7 Lenthall Walk, Manchester, M8 9QR
3 Lenthall Walk, Manchester, M8 9QR
1 Lenthall Walk, Manchester, M8 9QR
9 Morrowfield Avenue, Manchester, M8 9AR
7 Morrowfield Avenue, Manchester, M8 9AR
6 Morrowfield Avenue, Manchester, M8 9AR
32 Morrowfield Avenue, Manchester, M8 9AR
30 Morrowfield Avenue, Manchester, M8 9AR
26 Morrowfield Avenue, Manchester, M8 9AR
24 Morrowfield Avenue, Manchester, M8 9AR
22 Morrowfield Avenue, Manchester, M8 9AR
20 Morrowfield Avenue, Manchester, M8 9AR
2 Morrowfield Avenue, Manchester, M8 9AR
18 Morrowfield Avenue, Manchester, M8 9AR
16 Morrowfield Avenue, Manchester, M8 9AR

14 Morrowfield Avenue, Manchester, M8 9AR
12 Morrowfield Avenue, Manchester, M8 9AR
10 Morrowfield Avenue, Manchester, M8 9AR

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