

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139094/JO/2024		
Date registered valid:	10 April 2024		
Proposal:	Variation of condition nos. 2 (specified plans) and 9 (materials) to enable for elevational alterations to planning permission ref: 125114/FO/2019		
Address:	18 & 18A Kingsley Road, Manchester, M22 4NL		
Ward(s):	Northenden		Ward
Applicant:	Mr T Illingworth		
Agent (if any):	Mr Robert Adam Lloyd d2 Architects		
Case officer:	Robert		Tyrer
	Tel: 0161	234	4068
	Email: robert.tyrer@manchester.gov.uk		
Recommendation:	Refuse		
Date of recommendation:	5 June 2024		

Application details

Type of application: Variation or Removal of Condition

Development type: Minor Dwellings

Date of site visit: 21 May 2024

Standard consultations:

Printed: 16 April 2024 Expired: 8 May 2024

Neighbour notifications

Printed: 17 April 2024 Expired: 9 May 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

The application site relates the site of now demolished Laundrette and a car (vehicle maintenance garage). The site is located at the end of Kinglsey Road and Beech Avenue in Northenden, the two roads form cul-de-sacs that are separated by a pedestrian walkway.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The site is located on the edge Northenden District Centre. Although the surrounding streets are principally an area of housing it is within a short walking distance of centre of the district centre focused on Palatine Road and Church Road which includes shops, public houses and a church.

Description of development

The applicant is seeking to vary conditions condition nos. 2 (specified plans) and 9 (materials) to enable for elevational alterations to planning permission ref: 125114/FO/2019.

Consultations & Notification Responses

Publicity – Notification letters were sent to nearby residential properties (see appendix 1 for the list of properties).

Local residents/public opinion – Three representations were received objecting to the proposal, concerns raised are as follows:

All three have raised concerns over the as built site and differences between the approved and the latest proposed drawings.

The proposed changes to the materials are a radical change in both colour and texture and would have a significantly detrimental impact on the visual appearance of the properties.

On representation raised concerns with the height of the proposal and impacts in terms of privacy and overshadowing on neighbouring properties.

Changes are not summarised and difficult to understand.

Issues

Legislative Issues

Local Policy

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant Core Strategy policies for this application are as follows:

Policy SP 1 (Spatial Principles)
Policy EN1 (Design Principles and Strategic Character Areas)
Policy EN19 (Waste)
Policy H1 (Overall Housing Provision)
Policy H6 (South Manchester)
Policy T2 (Accessible areas of opportunity and need)
Policy DM1 (Development Management)
Policy EN1 - Design Principles and Strategic Character Areas
Policy EN8 - Adaptation to Climate Change
Policy EN14 – Surface Water
Policy EN16 – Air Quality

Unitary Development Plan (Saved UDP) Policies -The following saved Unitary Development Plan policy is also considered to be relevant:

Policy DC7 New Housing Development

The Guide to Development in Manchester SPD

Manchester Residential Quality Guidance

Places for Everyone Joint Development Plan – 2022 to 2039

On the 21st March 2024, nine of the ten Greater Manchester Councils voted to adopt the Places for Everyone Joint Development Plan – 2022 to 2039 (PfEJDP); Manchester City Council is one

of the Council's that has voted to adopt the plan. The PfEJDP has superseded parts of some of the policies contained within the Council's Core Strategy.

The relevant PfEJDP policy is as follows:

Policy JP-P1 (Sustainable Places)

Policy JP-H 1 (Scale, Distribution and Phasing of New Housing Development)

Policy JP-H3 (Type, Size and Design of New Housing) States that all new dwellings must:

National Policy

National Planning Policy Framework (NPPF)

This Framework came into effect on 27th March 2012 and was amended and updated in July 2021 and again in September 2023.

The Framework has been related to the proposed development, with particular emphasis given to the following:

- i. Chapter 5 Delivering a sufficient supply of homes.
- ii. Chapter 8: Promoting healthy and safe communities.
- iii. Chapter 11: Making effective use of land.
- iv. Chapter 12: Achieving well-designed places.

The Principle – The principle of development and permission has been granted by the original application to provide 8 new family dwellinghouses in a residential area close to the fringes of the district centre of Northenden

Policy EN1 of the Core Strategy is in line with Section 12 of the NPPF with regard to achieving well designed places and a high standard of amenity for existing and future residents.

However, there are detailed matters that also require consideration, and these are set out below.

Residential Amenity and Appearance

Policy EN1 of the Core Strategy and the Guide to Development in Manchester SPD seek to ensure that scale of new development is informed by its context. Residential development of an appropriate scale is also echoed within the Manchester Residential Quality Guidance, as new development should consider and appreciate the existing context and character of the area.

The development presents two frontages one to Kingsley Road and one to Beech Avenue. Although both streets are residential in nature, they have slightly different designs to their properties. Beech Avenue are traditional larger two storey semi-detached villa type properties whereas Kingsley Road contains a mixture of terraced, semi-detached two storey properties and a bungalow.

When the design of the original application was assessed, it was considered that albeit a simple palette of materials was proposed, the houses of red brick (with decorative brick expression and feature brickwork walls as shown in images 2 and 3) to match the predominant material in the area with vertical pre-stained timber cladding and a standing seam metal roofing would be

consistent with the surrounding area and would not introduce adverse effect into the nearby streetscene.

Paragraph 140 of Section 12 of the NPPF advises that:

.....“Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”

(highlighted text emphasised by the case officer to draw attention to the specific text of paragraph 140)

The applicant now seeks to make changes to both types of properties by replacing the standing seam metal roofing with a champagne render and that reference to decorative brickwork has also been removed from the proposed drawing. The concern is that these changes would fail to contribute to the vitality and interest in the street scene resulting in harm to the character and appearance of the area, contrary to policies DM1, EN1 of the Core Strategy, Guide to Development in Manchester SPD and the Residential Quality Design Guide, and paragraph 140, section 12 of the NPPF.

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 would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

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

1) The proposed changes to the elevations for all dwellinghouse including materials would fail to contribute to the vitality and interest in the street scene resulting in harm to the character and appearance of the area, contrary to policies DM1, EN1 of the Core Strategy, Guide to Development in Manchester SPD and the Residential Quality Design Guide, and paragraph 140, section 12 of the NPPF.

Appendix 1 – List of consultees & neighbours notified

High Speed Two (HS2) Limited

30, Northenden, Manchester, M4 6JE
9 Chapel Road, Northenden, Manchester, M224jn
13 Kingsley Road, Manchester, M22 4NH
7A Chapel Road, Northenden, Manchester, M22 4JN
15 Kingsley Road, Northenden, Manchester, M22 4NH
7 Chapel Road, MANCHESTER, M22 4JN
15 Chapel Road, Manchester, M22 4JN
30 Beech Avenue, Manchester, M22 4JE
13 Chapel Road, Northenden, Manchester, M22 4JN
6, Kingsley Road, Northenden, M22 4NL
4 Kingsley Road, Manchester, M22 4NL
7 Chapel Road, Manchester, M22 4JN
15 Chapel Road, Manchester, M22 4JN
11 Chapel Road, Manchester, M22 4JN
11 Kingsley Road, Manchester, M22 4NH
30 Beech Avenue, Manchester, M22 4JE
24 Beech Avenue, Manchester, M22 4JE
1 Morrell Road, Manchester, M22 4WJ
1A Morrell Road, Manchester, M22 4WJ
15 Kingsley Road, Manchester, M22 4NH
26 Beech Avenue, Manchester, M22 4JE
32 Beech Avenue, Manchester, M22 4JE
22 Beech Avenue, Manchester, M22 4JE
7A Chapel Road, Manchester, M22 4JN
First Floor Rear, 18 Kingsley Road, Manchester, M22 4NL
Unit 5, 18 Kingsley Road, Manchester, M22 4NL
Unit 4, 18 Kingsley Road, Manchester, M22 4NL
Unit 3, 18 Kingsley Road, Manchester, M22 4NL
Unit 2, 18 Kingsley Road, Manchester, M22 4NL
Unit 1, 18 Kingsley Road, Manchester, M22 4NL
Storage Unit 5, 18 Kingsley Road, Manchester, M22 4NL
Storage Unit 4, 18 Kingsley Road, Manchester, M22 4NL
Storage Unit 3, 18 Kingsley Road, Manchester, M22 4NL
Storage Unit 2, 18 Kingsley Road, Manchester, M22 4NL
Storage Unit 1, 18 Kingsley Road, Manchester, M22 4NL
17A Kingsley Road, Manchester, M22 4NH
17B Kingsley Road, Manchester, M22 4NH
12A Kingsley Road, Manchester, M22 4NL
8 Kingsley Road, Manchester, M22 4NL
2 Kingsley Road, Manchester, M22 4NL
16 Kingsley Road, Manchester, M22 4NL
6 Kingsley Road, Manchester, M22 4NL
10 Kingsley Road, Manchester, M22 4NL
9 Chapel Road, Manchester, M22 4JN
9 Kingsley Road, Manchester, M22 4NH
19 Kingsley Road, Manchester, M22 4NH
17 Kingsley Road, Manchester, M22 4NH
13 Chapel Road, Manchester, M22 4JN
28 Beech Avenue, Manchester, M22 4JE
19 Beech Avenue, Manchester, M22 4JE

17 Beech Avenue, Manchester, M22 4JE
14 Kingsley Road, Manchester, M22 4NL
12 Kingsley Road, Manchester, M22 4NL
32 Beech Avenue, Manchester, M22 4JE
13 Chapel Road, Manchester, M22 4JN
11 Chapel Road, Northenden, Manchester, M224JN
26 Beech Avenue, Northenden, Manchester, M22 4JE
28 Beech Avenue, Northenden, Manchester, M22 4 JE

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
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (June 2022)
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA