

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138786/FO/2023

Date registered valid: 8 December 2023

Proposal: Erection of a two-storey, attached single dwellinghouse (Class C3) with accommodation in roof space and associated infrastructure

Address: Land To The Side Of 27 Willaston Close, Manchester, M21 8BJ

Ward(s): Chorlton Ward

Applicant: Mr Abdullah Hussain

Agent (if any): Mr Umayr Azam, Northedge Architecture

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

Recommendation: Approve

Date of recommendation: 31 January 2024

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 9 January 2024

Standard consultations:

Printed: 21 December 2023 Expired: 14 January 2024

Neighbour notifications

Printed: 2 January 2024 Expired: 23 January 2024

Site notice

Posted: 09 January 2024 Expired: 30 January 2024

Press advert

Published: 2 January 2024 Expired: 23 January 2024

Departure from Development Plan: No

Environmental Statement: Not required.

Description of site/building

Listed building: Not applicable.

Conservation area: Chorltonville Conservation Area 1992

Tree Preservation Order:

This application relates to a vacant, irregular shaped piece of land at the end of Willaston Close. The site is partially paved and partially overgrown. It is bisected by an alley serving other properties on Willaston Close.

On 31 October 2016 planning permission reference 113669/FO/2016 was granted for the erection of a two-storey, attached single dwellinghouse (Class C3) with accommodation in roof space. The consent has now lapsed, and a further scheme granted consent on the 127222/FO/2020 Erection of a two-storey, attached single dwellinghouse (Class C3) with accommodation in roof space and associated infrastructure.

The applicant has indicated on the submitted plans that the area within his ownership includes the turning head and road down to the brook, however, the highway is adopted by the Council.

Willaston Close is a long, residential cul-de-sac in Chorlton. The properties comprise three small two storey terraces overlooking Chorlton Brook with another terrace sitting perpendicular at the end. A narrow, gated path allows access to the rear gardens on Willaston Close and separates them from a narrow unmanaged piece of incidental open space and the rear gardens of properties on Belwood Road. The land slopes down significantly from Belwood Road towards the brook and therefore the properties on Willaston Close sit at a much lower level. The road itself runs along the boundary of the brook and there is a large hard-surfaced area at the end which serves as a turning head and parking area. The land rises again on the opposite site of the brook, up to the rear gardens of properties on Claude Road. There is significant tree cover

along the line of the brook and around the end of the turning head. There is a further hard standing area in front of the properties at the end of the turning head. Chorlton Brook forms the boundary to the Chorltonville conservation area.

This is a re-submission of the now expired planning permission granted consent in 2022 and Consent is sought for the erection of a two-storey dwelling attached to the end of the terrace.

There would be a substantial set back at the front of the property and a corresponding projection at the rear. The proposed dwelling would occupy the full width of the site with a curved facade to the turning head. There would be a small area of defensible space at the front of the property and a garden to the rear that straddles the rear passage. There would be gates to allow the continued use of the passage. A rumble strip encroaching into the turning head would be provided along the gable elevation. Refuse storage is shown in the rear garden and there is no off-street parking proposed.

The proposed building is higher at eaves level on the front elevation and the ridge is also raised. The dual pitch roof over sails the gable and whilst the proposed building would be constructed using a traditional pallet of materials it has a contemporary feel. The front elevation would comprise a centrally located entrance door with windows either side and two windows at first floor level. The right-hand windows on ground and first floor levels would wrap around onto the gable. Windows would be horizontally proportioned in a similar way to those on the existing properties. The rear elevation would contain two windows either side of a door with three windows at first floor level. Again, the windows adjacent to the gable would wrap around. The gable would contain the four windows that wrap around from the front and rear elevations would contain three pairs of vertical slit windows in a area of timber cladding. The front roof slope would contain three roof lights.

In drawing the site edged red the application site clips the boundary of the Chorltonville conservation area, although the site itself is outside of the conservation area. The application has however, been advertised as affecting a conservation area.

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted and a site notice was erected close to the site informing the public the proposal affects the adjacent conservation area and one letter of objection was received raising concerns the proposal would interrupt access way to rear of the property via a gated access. To ensure unrestricted access to the rear alleyway a condition has been attached to the consent ensuring the gates remain open.

Environmental Health - were consulted and commented requested a contaminated land report and further waste recycling information be provided, and relevant conditions have been attached to the consent. Environmental health requested EV charging points be considered to help to reduce air pollution. However, the site provides car parking provision. Therefore, an air quality is required in this instance.

The Highways Team- commented a construction management plan and further details relating to the location of the cycle storage needs to be provided and conditions addressing these issues have been attached to the consent.

The Flood Team- commented further information was required. However, a sustainable drainage condition that correlates with the condition requested by United Utilities is considered to be appropriate and has been added to the consent.

United Utilities- Requested a sustainable drainage condition to be attached to the consent.

Issues

Policy

The relevant Core Strategy policies are SP1, H1, H6, DM1, EN1, EN3 and EN15 Policy SP1 - 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 - seeks to ensure that new residential development contributes 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. The guidance also refers to the delivery of policies that will result in significant increases to the supply of housing, specifically stating that housing applications should be considered in the context of the presumption in favour of sustainable development. Local planning authorities should, subject to a range of specified criteria, seek to deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

Policy H6 - states that 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 EN1 - relates to design principles and strategic character areas and states that development in Manchester will be expected to have regard to the strategic character area in which the development is located and opportunities for good design should be fully realised.

Policy EN3 - seeks to protect the City's heritage assets from the adverse impact of development.

Policy EN 15 - Biodiversity - This policy seeks to maintain or enhance sites of biodiversity. Developers need to take into account the potential effect of proposals on biodiversity, including in the construction period.

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. Issues relevant to this scheme are: siting, layout, scale, form, massing; impact on surrounding area in terms of design, scale and appearance and effects on amenity.

Unitary Development Plan

The relevant saved UDP policy is DC18 which seeks to preserve or enhance the City's conservation areas.

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance - advises that a high-quality environment is created by buildings which reflect their purpose and respect the place in which they are located. It also requires buildings to relate well to each other in respect of setting and impact on the street-scene, roof-line and skyline. It is important to achieve an adequate level of enclosure if streets and open spaces are to provide absence of place and help people feel comfortable and safe. Buildings should present their main face and pedestrian entrance to the adjacent main street, to contribute to its vitality and interest.

Windows and entrances should ensure that the street is overlooked to promote informal surveillance.

Issues

Principle

The principle of the erection of a dwelling house within a residential area such as this is generally considered acceptable and in accordance with national and local policies. This is reinforced through the granting of consent for an almost identical development in 2022 since when there have been no changes to the development plan.

Siting and layout - The current building line of Willaston Close is staggered to follow the curve in Chorlton Brook. The proposed house would abut no. 27 Willaston Close (which is also in the applicant's ownership) and would continue the curve, being set back 1.2m at the front and projecting 2.2m at the rear. The footprint would extend to the edge of the highway at the turning head, with a band of cobbles providing a defensible strip to the side of the house. The rear garden would be fenced, with a gate to provide access to the footpath to the rear entry passage. There have been no changes to the site layout which on balance is considered acceptable.

Design, scale, and massing - The existing properties on Willaston Close are a fairly simple, two storey design with red brickwork and pitched roofs. The proposed house is also two storeys but includes accommodation in the roof and therefore includes roof-lights. The roof is set slightly higher than the existing houses and has an overhang feature; this acts as a 'book end' for the terrace. The proposal would sit well within the existing context and the overall scale and massing is in keeping with the surroundings.

Parking - Most of the existing houses on Willaston Close have long front gardens and parking is mainly on driveways including 27 Willaston Close and on-street parking does not appear to be a significant issue in this area. The proposal would not result in the loss of any existing drives although the lands appear to be being used as a parking space. No off-street parking is proposed for the house, however, Willaston Close is not a through road and does not appear to be heavily trafficked. It is therefore considered that on-street parking for one property would not cause significant harm, parking or highways problems. Highways Services have commented on the arrangement regarding the cobbled strip and stopping up of the highway. The applicant has stated that the land including the turning head is in his ownership. This is therefore an issue which will need to be formalised between the applicant and the highways authority. The Council's current requirement is for one space per dwelling.

Waste - The proposed drawings show bin storage in the rear garden where the bins can be easily taken out to the appropriate location on collection days. The proposed arrangements are satisfactory.

Residential amenity - The flats to the west would be approximately 32 metres away whilst the properties to the rear would be approximately 8 metres to the rear boundary and 28 metres to the houses themselves. The second-floor accommodation will be provided with roof lights in the front elevation and narrow windows in the gable. Taking into account the layout of the proposal, the difference in levels and the distance between this and other nearby housing, it is considered that there is unlikely to be an issue of overlooking or overshadowing and therefore the impact on other neighbours would be minimal. Furthermore, in the context of a residential location it is unlikely that the addition of one house would give rise to adverse living conditions for neighbouring occupiers. Therefore, it is considered that the proposed dwelling would not have any material, detrimental impact upon the amenity of nearby residents.

Amenity space - It is considered that there is sufficient private amenity space provided at the rear for the proposed house.

Flood Risk

The site edged red on the submitted plans includes the turning head of Willaston Close and also extends down to the centre of Chorlton Brook and therefore flags up flooding issues. However, the actual development plot for the house is within Flood Zone 1. In addition, the proposal would not increase the area of hardstanding or permeability significantly and so it is considered that it would not contribute to flooding elsewhere. United Utilities requested a sustainable drainage method condition be attached to the consent.

Ecology

The application has itself has minimal ecological value and the proposal should not have an adverse impact on the surrounding habitats.

Rear Passage

The proposed development will bridge the existing passage serving properties on Willaston Close although it appears largely overgrown and little used. Bins generally appear to be stored at the front of the properties.

The applicant has indicated that the gates would not be locked, and an appropriate condition is proposed.

Impact on the Character of the Conservation area.

The site edged red abuts the Chorltonville conservation area, however the site is separated from the CA by the Road. It is not considered that the proposal would impact on the conservation area.

Conclusion

The proposed development is considered to accord with the overarching principles contained within national and local policies, in that the scheme would bring forward a well-designed single-family home without significant impact on nearby residential properties or wildlife habitats.

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

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to issues arising from the consideration of this application.

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

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

22-03-20-001 Rev 1, 22-03-20-002 Rev 1, 22-03-20-003 Rev 1, Location Plan, Surface Water Drainage Strategy from Integra Consulting, Ground Sure Flood document from Ground Sure and Phase 1 Site Investigation from Peak Environmental Solutions, stamped as received on the 8 December 2023 and 22-03-00-02, stamped as received on the 3 January 2024. The Construction Management Plan stamped as received on the 8 December 2023.

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

3) Prior to the above ground works hereby approved, samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy

4) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected, and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Core Strategy.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 (or any order revoking and re-enacting that Order with or without modification) no part of the premises shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a).

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework

6) A construction management plan is required prior to any construction works commencing on the site which may impact on highway operations. This plan should provide details of the proposed construction traffic routes to and from the site (with swept path assessment if necessary), site compound details, controls to ensure deliveries and loading do not block the highway and the measures for on-site / off-site car parking.

Reason - To safeguard the amenities of nearby residents and highway safety pursuant to policies SP1, EN16, EN19 and DM1 of the Manchester Core Strategy (July 2012).

7) Notwithstanding details submitted, no above ground development shall commence until a scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of public health and visual amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

8) The gates to the rear amenity area shall be kept unlocked and free from obstruction at all times.

Reason- to allow free access to the passage at the rear of Willaston Close pursuant to Core Strategy policy DM1.

9) Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365.

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and

(v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: - To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN17 of the Core Strategy.

10) The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a secured by design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

11) Notwithstanding details submitted, no part of the development shall be occupied until space and facilities for bicycle parking have been provided in accordance with details to be submitted to and approved in writing by the City Council as local planning authority. The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with policies SP1, T1 and DM1 of the Core Strategy.

12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or doors shall be inserted into the elevations of the extension hereby approved other than those shown on the approved plans.

Reason- In the interest of residential amenity pursuant to saved policies DC1 of the Unitary Development Plan for the City of Manchester and Policy DM1 and SP1.

13) The first floor en-suite and bathroom windows shown on drawing number 22-03-20-001 R 1, stamped as received on the 8 December 2023, shall be obscured glazed to a specification of no less than level 5 of the Pilkington Glass Scale or other such other equivalent and shall remain so in perpetuity.

Reason- To protect the amenity and living conditions of adjacent residential properties from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

Informatives

1) The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

2) The applicant will need to apply for a Stopping-Up Order under s116 Highways Act in relation to the removal of the section of adopted footway and kerbing area (which would be necessary if this is to be provided on the adopted highway). The applicant would have to prove that the footway/highway is unnecessary and demonstrate that other vehicles (including a refuse collection vehicle) could still comfortably utilise the turning-head.

3) Construction works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:

Monday - Friday: 7.30am - 6pm

Saturday: 8.30am - 2pm

Sunday / Bank holidays: No work

Hours of work stated are not acceptable. Hours of work permitted must adhere to times stated above.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management

25 Willaston Close, Manchester, M21 8BJ
21 Willaston Close, Manchester, M21 8BJ
19 Willaston Close, Manchester, M21 8BJ
20 Belwood Road, Manchester, M21 9FN
17 Belwood Road, Manchester, M21 9FN
15 Belwood Road, Manchester, M21 9FN
84 Claude Road, Manchester, M21 8DF
19 Belwood Road, Manchester, M21 9FN
88 Claude Road, Manchester, M21 8DF
21 Belwood Road, Manchester, M21 9FN
18 Belwood Road, Manchester, M21 9FN
16 Belwood Road, Manchester, M21 9FN
90 Claude Road, Manchester, M21 8DF
86 Claude Road, Manchester, M21 8DF
39 Willaston Close, Manchester, M21 8BJ
37 Willaston Close, Manchester, M21 8BJ
35 Willaston Close, Manchester, M21 8BJ
33 Willaston Close, Manchester, M21 8BJ
31 Willaston Close, Manchester, M21 8BJ
29 Willaston Close, Manchester, M21 8BJ
23 Willaston Close, Manchester, M21 8BJ
27 Willaston Close, Manchester, M21 8BJ

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
Conservation Area - Chorltonville Conservation Area 1992
Flood Zones Type 2 (low to medium risk) -
Flood Zones Type 3 (high risk) -
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: SOUTH AREA