

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138716/FO/2023

Date registered valid: 6 December 2023

Proposal: Creation of access onto classified road including demolition of part of wall

Address: 161 Burton Road, Manchester, M20 2LN

Ward(s): Didsbury West Ward

Applicant: Mr. R. Woodall

Agent (if any): Mr. John McKay, RI McKay & Associates

Case officer: Joshua Lee
Tel: 0161 219 2851
Email: joshua.lee@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 23/01/2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 15/12/2023

Standard consultations:

Printed: 7 December 2023 Expired: 28 December 2023

Neighbour notifications

Printed: 7 December 2023 Expired: 28 December 2023

Site notice

Posted: 15 December 2023 Expired: 5 January 2024

Press advert

Published: 12 December 2023 Expired: 26 December 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Proposal relates to an end of terrace property on the corner of Burton Road and Montrose Avenue. The property features landscaping, including mature trees and hedgerows, to the front and side with pedestrian access from Burton Road.

Listed building: Not applicable

Conservation area: Albert Park Conservation Area 1988

Tree Preservation Order: Not applicable.

Description of area

The property is located in a mixed residential/ high street commercial area of Manchester's Didsbury West ward. The proposal is located on Burton Road, a Classified C Road in a local shopping centre. The site is also located within Albert Park Conservation Area.



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Description of Development

The applicant proposes the creation of access onto classified road including demolition of part of wall.

The proposed would create a new dropped kerb directly adjacent to the junction of Burton Road and Montrose Avenue.

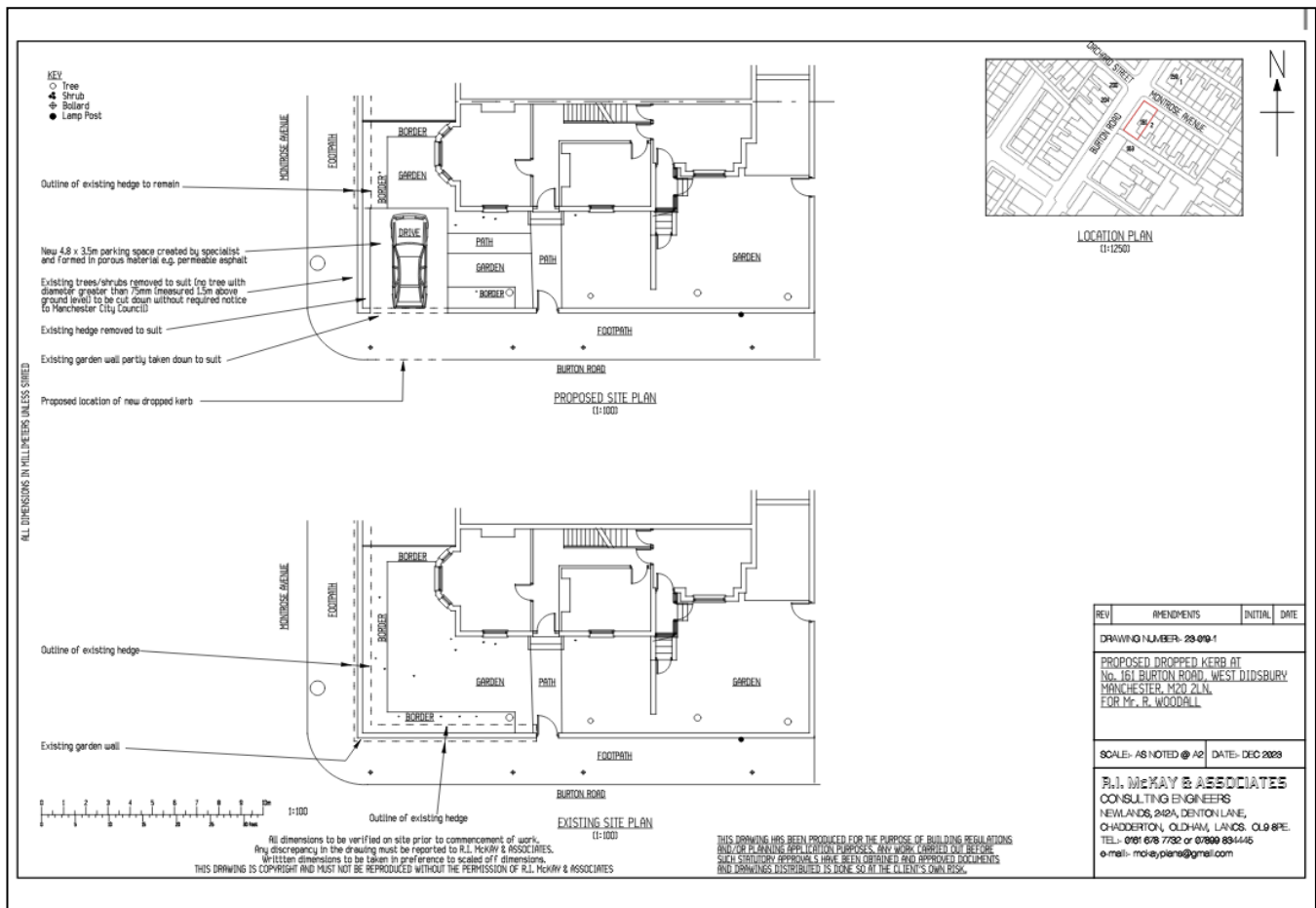


Figure 1. Existing and proposed plans]

Planning History

Pre-application advice

The applicant asked the council as LPA for pre-application advice on the proposed development.

A Council Planning Officer consulted Highways Services for an initial response to the proposed development.

An email was sent to the applicant on 23/11/2023, advising that Highways services indicated they would be unable to support the proposed dropped kerb at the location and the proposed access would be unlikely to be approved.

121261/TCA/2018

Description: Works to tree - proposed re pollarding of 4 x Limes (T 1, T 2, T3, and T4) in the front garden

Decision: No objection 06/11/2018

087852/TCA/2008/S2

Description: Various works to trees

Decision: Approved 21/10/2008

075460/TCA/2005/S2

Description: NOTIFICATION OF INTENT TO CARRY OUT WORKS TO TREES WITHIN ALBERT PARK CONSERVATION AREA - Works to 3 lime trees

Decision: 16/06/2005

Consultations & Notification Responses

Consultations

Manchester City Council Highways Services

Manchester City Council Highways Service were consulted on this application.

In accordance with MCC Highways requirements, new driveways should be located more than 10m of a junction for highway safety reasons.

Submitted plans show that the driveway will be located within 10m of the Burton Road/Melrose Avenue junction.

It is unclear whether adequate pedestrian and vehicle visibility could be achieved due to surrounding boundary treatments. Boundary treatments located within sightlines should not exceed 600mm in height.

Highways also have concerns on vehicle movements at this location given the busy district centre location and high level of pedestrian footfall. The proposed driveway dimensions also do not align with Highways requirements whereby 6m(L) driveway is required at such locations to ensure that cars to not encroach onto the adjacent footway.

Overall, Highways would not support the proposals due to the highway safety concerns as outlined above.

Notifications

Local Residents

As stated in Appendix 1, people who live near the area were told about the proposal.

2no residents commented in objection to the proposal.

- Concerns on location on busy junction.
- Concerns on exacerbation of local traffic
- Concern on effect on street scene and character of the property and area.

Residents Associations and Groups

West Didsbury Residents Association objected to the proposal.

“The WDRA would like to strongly object to this application. This property is situated on a busy thoroughfare and bus route. There are pedestrian bollards on the pavement directly outside the property due to safety concerns about vehicles and buses mounting the pavement which would have to be removed if this application were granted. If the application were granted we also note that vehicles using the parking would be required to reverse directly onto the road with limited visibility of cars and pedestrians.”

Site Notice and Press Advertisements

As per Appendix 1, a public site notice and advertisement in the Manchester Evening News was posted.

Negotiations

Issues have arisen in the consultation phase.

Officers informed the applicant, in line with the pre-app advice, that the proposed access could not be supported due to the highway safety risk and effect to the character of the street scene and wider conservation area.

No amendments or changes would be able to be made to make the proposal viable.

Policies & Principle

Summary of relevant policy

Applications for planning permission must be assessed against the local development plan, unless there are important reasons not to, as stated in planning law.

In considering this application, we consider the following policies relevant.

- [The Manchester Core Strategy Development Plan Document 2012-2027](#) The City Council adopted the core strategy on July 11, 2012. It is the key document in the Manchester Local Plan. The plan determines how Manchester will grow and is used to review development applications. We consider the following Core Strategy Policies relevant to this proposal.
 - DM 1 - Development Management
 - SP 1 - Spatial Principles
 - EN 1 - Design Principles and Strategic Character Areas
 - EN 3 – Heritage
 - EN 9 – Green Infrastructure
 - T 1 – Sustainable Transport

- [Places for Everyone Plan](#) - The Places for Everyone Plan is a strategic plan for nine of the 10 boroughs in Greater Manchester. Once Manchester adopts the Places for Everyone Plan, it will become part of the city's development plan.
- [Extant Unitary Development Plan \(UDP\)](#) - The Core Strategy replaced most of the UDP. However, some UDP Development Control policies are still in effect. The following extant policy are still considered relevant to this proposal.
 - DC18 - Conservation Areas
- [The National Planning Policy Framework \(The NPPF\)](#) - The Government released the NPPF on March 27, 2012, and updated it on September 5, 2023. Here, you can find the government's planning policies for England. It also explains how to apply them. We consider the following sections relevant to this proposal.
 - Section 4 – Decision-making
 - Section 9 – Promoting sustainable transport
 - Section 12 – Achieving well-designed places
 - Section 14 - Meeting the challenge of climate change, flooding and coastal change
 - Section 16 - Conserving and enhancing the historic environment

Principle of the development

The proposal's principle is unacceptable. There are several factors in amenity terms that warrant refusal.

After careful consideration, it is concluded that the proposed development opposes with the Manchester Core Strategy, Extant UDP, and the NPPF. This conclusion is based on the assessment in the sections that follow.

The Manchester Core Strategy Development Plan (2012-2027)

We have assessed the proposal against the following policies of the Core Strategy.

DM 1 – Development Management

New developments must adhere to the 'Development Principles' and design guidance in the Supplementary Planning Documents.

We have assessed the proposal against the following issues.

Appropriate siting, layout, scale, form, massing, materials, and detail

The applicant is seeking the creation of access onto classified road including demolition of part of wall.

The proposed vehicle access is adjacent a 4-way junction on a busy, double yellow, classified road.

The siting of the proposed development would have harmful impact on road safety.

Officers consider the new development to be unacceptable in its 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.

The proposed demolition of an existing wall and hedgerow along Burton Row would have a harmful effect on the character of the street scene and conservation area.

The proposed development would significantly change the area's character, so its appearance is unacceptable.

In general, the proposed development has a harmful impact on the surrounding areas. The design, scale, and appearance are all in line with the development management principle.

Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation.

The proposal demolishes a wall and hedgerow removing an established privacy barrier for occupiers of the dwellinghouse.

The proposal is expected to have a negligible effect on Air Quality.

The proposal in of itself has a negligible effect on local noise levels.

The proposal has a harmful effect on road safety. The proximity of the proposed access close to the junction of Montrose Road, Orchard Street and the Classified C Road, Burton Road creates a defacto additional junction at an already busy intersection.

Highways would not support the proposals due to the highway safety concerns as outlined above.

Overall, the proposal has a harmful impact on privacy, light, noise, air quality, and other factors.

Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.

The proposal does not change how people can get in and out of the building.

The proposal is therefore in accordance with this development management principle.

Refuse storage and collection.

The proposal itself has little impact on waste from the site. It uses the current storage and collection methods on site. We recognize that demolition and/or construction works often generate commercial waste. We expect contractors to follow best practices in waste management.

The proposal is in accordance with this development management principle.

Vehicular access and car parking

The proposal would add a new parking space within the curtilage of the property. Although this would reduce the demand on on-street parking, the harm caused by a new driveway on road safety would outweigh any benefit.

The locality has good local transport links including bus and tram.

The proposal opposes this development management principle.

Effects relating to biodiversity, landscape, archaeological or built heritage

The applicant and consultees did not find any contamination or stability issues at the site.

The proposal is within the Whalley Range Conservation Area.

The Albert Park conservation area is situated approximately four miles south of Manchester city centre, in West Didsbury. It is principally an area of housing but also includes a district shopping centre on Burton Road, a smaller group of shops on Barlow Moor Road, schools, public houses and a number of churches.

The scale of the development, removing a boundary wall and mature hedgerow would create a harm to the conservation area to the detriment of the existing area.

The proposal would not be in keeping with the architectural style of the existing property and would cause harm to the street scene.

The harm to the conservation area would be less than substantial and would not be outweighed by benefit (as set out in the NPPF Section 16).

On balance the proposal has a harmful effect on local biodiversity, landscape, archaeological or built heritage and is therefore in opposition with this development management principle.

Green Infrastructure including open space, both public and private

The proposal would remove mature hedgerow and gardens for a new paved driveway to the detriment of local green infrastructure.

The proposal is therefore in opposition with this development management principle.

Flood risk and drainage.

The site is not located in a flood risk area and therefore does not require a flood statement or assessment.

The proposal has a negligible impact on drainage using the existing drainage on site.

The proposal is therefore in accordance with this development management principle.

SP 1 - Spatial Principles

This policy outlines the guiding spatial principles and core development principles of Manchester City Council.

Most notably the core development principles highlight development should 'make a positive contribution to neighbourhoods of choice'.

We consider this proposal to oppose with the principles of this policy.

EN 1 – Design Principles and Strategic Character Areas

This policy outlines the key design principles for development in Manchester. All development in Manchester will be expected to follow the seven principles of urban design.

This proposal sits within the 'Southern Character Area'.

We consider this proposal to oppose with the principles of this policy.

EN 3 – Heritage

This policy outlines the key principles concerning Heritage and development management. In particular, development that complements and takes advantage of the distinct historic and heritage features of the city's districts and neighbourhoods.

We consider this proposal to oppose with the principles of this policy.

EN 9 – Green Infrastructure

This policy outlines the principles to maintain existing green infrastructure in terms of its quantity, quality, and multiple function.

We consider this proposal to oppose with the principles of this policy.

T 1 – Sustainable Transport

This policy outlines the key principles of creating a sustainable, high quality, integrated transport system to encourage modal shift away from car travel to public transport, cycling and walking, to support the needs of residents and businesses and to prepare for carbon free modes of transport.

We consider this proposal to oppose with the principles of this policy.

Places for Everyone Plan

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. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan.

To date, five consultations have taken place in relation on the Plan. The Examination of Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8-week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, 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.

This proposal is considered to oppose with the aspirations of the Places for Everyone Plan.

Extant Unitary Development Plan (UDP)

The Core Strategy replaced most of the UDP, but some UDP policies still apply to this proposal.

DC18 - Conservation Areas

This policy outlines the key issues when considering the development proposals within Conservation Area.

We consider this proposal to oppose with the principles of this policy.

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework explains the government's planning policies for England. It also explains how to use these policies.

At all stages of the application, we have adhered to and considered the NPPF.

Section 4 - Decision-making

Section 4 of the NPPF outlines how local planning authorities should approach decisions on proposed development in a positive and creative way.

Section 4 of the NPPF has been adhered to and considered at all stages of the proposal.

Section 9 - Promoting sustainable transport

Section 9 of the NPPF highlight the development management principles to promote sustainable transport

Section 12 - Achieving well-designed places

Section 12 of the NPPF outlines the need to achieve well-designed places.

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 12 outlines how the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.

Section 16 - Conserving and enhancing the historic environment

Section 16 of the NPPF outlines the development management regarding heritage assets.

Considering potential impacts (Para. 199-208)

These paragraphs outline when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

We consider this proposal to oppose with the principles of the NPPF.

Other Material Considerations

Other material considerations & policy may be relevant to the proposal as follows:

- [Guide to Development in Manchester Supplementary Planning Document and Planning Guidance \(April 2007\)](#)
- [Manchester Residential Quality Guide \(July 2016\) \(MRQG\)](#)
- [Manchester, Salford, and Trafford Strategic Flood Risk Assessment](#)

- [Manchester City Council Highways Developer Design Guidance – Sustainable Drainage Systems](#)
- [Manchester City Council Planning and Noise Technical Guidance \(2022\)](#)
- [Air Quality & Planning Technical Guidance \(2022\)](#)
- [Planning and Contaminated Land Technical Guidance \(2021\)](#)
- [Greater Manchester Joint Waste Development Plan Document \(GMJWDPD\)](#)
- [Waste Storage and Collection Guidance for New Developments \(2017\)](#)
- [Hot Food Takeaway Supplementary Planning Document \(2017\)](#)
- [Manchester City Council Houses in Multiple Occupation Guidance and Amenity Standards \(2020\)](#)
- [Manual for Streets \(2007\)](#)
- [National design guide](#) & [National Model Design Code](#) (2021)
- [Outdoor advertisements and signs: a guide for advertisers \(2007\)](#)

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.

Conclusion

The design, size, and shape of the proposal are not acceptable in this area. This proposal will cause problems for the people nearby and change the look of the street. The proposal will have a harmful impact on road safety and to the character of the Conservation Area. It goes against the Core Strategy, UDP, NPPF policies, and other considerations.

Recommendation: Refuse

Article 35 Declaration

The officers worked with the applicant to find solutions for problems with the planning application. There were problems with the application, so the officer talked to the applicant and others, but no solution could be found.

Reasons for recommendation to refuse

1. Highway safety

Due to the proximity of the proposed driveway to an existing junction, lack of pedestrian visibility, and insufficient driveway dimensions, the proposed driveway access would create a risk to road and pedestrian safety in a busy local centre. The development would be contrary to policies DM 1, SP 1 and EN 1 of the Manchester Core Strategy.

2. Harm on the character of the conservation area

The proposed driveway would remove a mature hedgerow and existing boundary wall to the detriment of the character of the property, street scene and Albert Park Conservation area, causing less than substantial harm that would not be outweighed by public benefit. The development would be contrary to policies DM 1, SP 1, EN 1 and EN 3 of the Manchester Core Strategy, DC 18 of the UDP and Section 16 of the NPPF.

Appendix 1 – List of consultees & neighbours notified

Highway Services

208 - 210 Burton Road, Manchester, M20 2LW
 204 Burton Road, Manchester, M20 2LW
 198 Burton Road, Manchester, M20 1LH
 194 - 196 Burton Road, Manchester, M20 1LH
 208A Burton Road, Manchester, M20 2LW
 212B Burton Road, Manchester, M20 2LW
 212A Burton Road, Manchester, M20 2LW
 200B Burton Road, Manchester, M20 2LW
 1 Montrose Avenue, Manchester, M20 2LA
 2 Montrose Avenue, Manchester, M20 2LA
 Flat 3, 163 Burton Road, Manchester, M20 2LN
 Flat 2, 163 Burton Road, Manchester, M20 2LN
 Flat 1, 163 Burton Road, Manchester, M20 2LN
 200A Burton Road, Manchester, M20 2LW
 Flat Above, 202 Burton Road, Manchester, M20 2LW
 Thyme Restaurant, 202 Burton Road, Manchester, M20 2LW
 159 Burton Road, Manchester, M20 1LD
 210A Burton Road, Manchester, M20 2LW
 202 Burton Road, Manchester, M20 2LW
 200 Burton Road, Manchester, M20 2LW
 212 Burton Road, Manchester, M20 2LW
 206 Burton Road, Manchester, M20 2LW

163 Burton Road, Manchester, M20 2LN

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 - Albert Park Conservation Area 1988

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH AREA