

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137449/FO/2023

Date registered valid: 30 June 2023

Proposal: Enclosure of land to form extended garden to previous approved dwellinghouse "Plot 50" under planning permission 129195/FO/2021 together with the installation of 2.1m high boundary fence

Address: Glendene , 150 Greenbrow Road, Manchester, M23 2RE

Ward(s): Baguley Ward

Applicant: Mr Graham Morley Wythenshawe Community Housing Group

Agent (if any): Mrs Leanne Beirne Bernard Taylor Partnership Ltd

Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 19.10.2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 17th July 2023

Standard consultations:

Printed: 13 July 2023 Expired: 3 August 2023

Neighbour notifications

Printed: 13 July 2023 Expired: 3 August 2023

Site notice

Posted: 17 July 2023 Expired: 7 August 2023

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: Not applicable

Tree Preservation Order: Not applicable

Description of area

The application relates to land to the north of an existing residential development being brought forward for residential purposes under planning permission reference 135188/JO/2022 for the erection of 56 single and two storey houses (27 x two bed, 22 x 3 bed and 7 x 4 bed) including associated hardscaping and landscaping works at the site of the former Glendene Centre. These works are well underway and access to the application site was restricted due to these works.

The application land also lies to the rear of properties on Wastdale Road and was not originally included within the application for the redevelopment of the former Glendene Centre, the applicant constructing the residential development has since purchased the land and wishes to include a section of it within the garden area of Plot 50 on the approved development. Whilst the land is partially fenced off and not currently accessible comments from a resident indicate that it is an access and information provided by the Council's Highways Team indicate a 'maintained' route to the rear of the properties at 33- 41 Wastdale Road Close even though access to it appears to have been severed at some point in the past. The land subject of the application forms part of a wider square shaped parcel of grassed land containing some trees that is enclosed by fencing and houses and is not readily accessible.

The application proposals seek the enclosure of part of the land to form an enlarged garden area whilst maintaining an open route behind the rear gardens of number 35-41 Wastdale Road (33 appearing to have enlarged its garden to the sites boundary at some point in the past). The

garden would be enclosed by a 2.1m timber fence with a section left open at the head of the cul-de-sac currently being constructed.

Consultations & Notification Responses

Neighbouring properties were notified of the proposals and a site notice was also posted for public interest purposes as the applications affect a right of way.

One response was received in response to the notification process. This response raised concerns that the proposals would block fire exits from properties on Wastdale Road.

MCC Highway Services - If the development does not encroach over the line of paths then there doesn't need to be a stopping up application.

Policy

The National Planning Policy Framework (September 2023) - The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied.

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 NPPF is a material consideration in planning decisions.

Core Strategy Development Plan Document - The Core Strategy Development Plan Document 2012 -2027 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.

The following policies within the Core Strategy are considered relevant:

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 T2, Accessible areas of opportunity and need - Seeks to ensure that new development is easily accessible by walking/cycling/public transport; provided with an appropriate level of car parking; and, should have regard to the need for disabled and cycle parking.

Policy EN1, Design Principles and Strategic Character Areas - This policy states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and have regard to the strategic character area in which the development is located. Opportunities for good design to enhance the overall image of the City should be fully realised, particularly on major radial and orbital road and rail routes.

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.

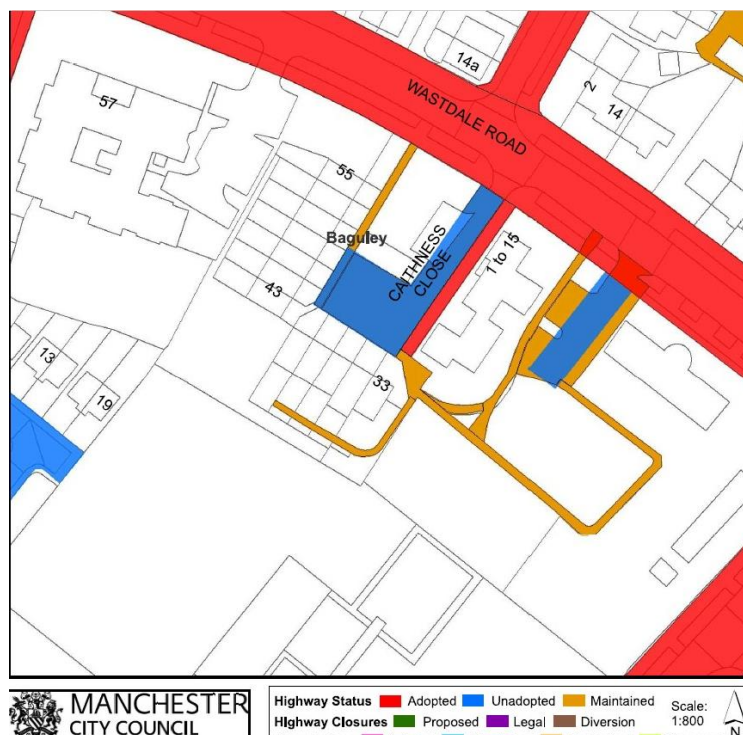
Vehicular access and car parking.

Saved UDP Policies - Policy DC22 - In considering development proposals, the Council will have regard to the effect on existing pedestrian routes and will not normally allow development which would result in unacceptable inconvenience to local pedestrian movement.

Issues

Principle- The principle of using incidental land adjacent a residential development for enlarged garden space is generally considered acceptable in this instance consideration is required of potential impacts to an existing right of way.

Right of Way - A plan of rights of way has been shared by colleagues in MCC Highway Services. This notes a maintained route that appears to cross the middle of gardens at numbers 33-41 Wastdale Road (see extract below).



The proposed site layout indicates that the application proposals would not interfere with the route identified on the plan provide by Highway Services, but this may be mis plotted given it appears to split existing rear garden spaces. The proposed layout would open up the area to the rear of the properties on Wastdale Road which is currently enclosed by existing security fencing associated with the former uses of the site currently being developed to the south. As such the proposals would result in a betterment in terms of access from the rear of those

properties on Wastdale Road. The proposal does not encroach or close the routes shown on the plans from MCC Highways.



Aerial view showing currently fencing line between the rear of properties on Wastdale and the former Glendene site to the south



Fenced off site and side of 33 Wastdale which is inaccessible

Trees- It is noted that land which is not proposed to be enclosed does contain a number of trees that were category B trees under the Tree surveys for the redevelopment of the adjacent Glendene site. The proposed fence line would not interfere with existing trees as confirmed by the agent.

Visual amenity – The proposed domestic type fence are not considered to give rise to harmful impacts on visual amenity of the area and are what would normally be expected to enclose private garden space.

Crime and Safety – Whilst the proposals would open up an area to the rear of Wastdale Road, the residential street would offer natural surveillance of the street and area in general and would not provide a through route directly onto Wastdale Road or Caithness Close.

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

The application has been determined in a positive and proactive manner. Issues that have arisen during consideration of the application have been discussed with the applicant's agent and responses have been received.

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:

Drawing reference 225 'Plot 50 Planning Site Plan as Proposed' as received on the 30th June 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) The 'existing right of way' as set out on the approved site layout plan as identified by a grey shaded route shall be retained and maintained as a right of way and shall not be fully enclosed.

Reason - For the avoidance of doubt as the identified route has been shown as being retained and not stopped up pursuant to saved UDP policy DC22 and Core Strategy policy DM1.

4) Prior to the installation of the fencing hereby approved, details and specifications of the finishes and treatment of garden areas and retained right of way, together with a timescale for implementation shall be submitted to and approved in writing by the City Council as local planning authority.

Reason - In the interests of the visual amenity and character of the area and to ensure the appropriate treatment of the site, pursuant to policy DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services

33 Wastdale Road, Manchester, M23 2RY
45 Wastdale Road, Manchester, M23 2RY
37 Wastdale Road, Manchester, M23 2RY
Millbrook Nursing Home, 57 Wastdale Road, Manchester, M23 2RX
19 Ottawa Close, Manchester, M23 2PU
17 Ottawa Close, Manchester, M23 2PU
43 Wastdale Road, Manchester, M23 2RY
41 Wastdale Road, Manchester, M23 2RY
39 Wastdale Road, Manchester, M23 2RY
35 Wastdale Road, Manchester, M23 2RY
15 Ottawa Close, Manchester, M23 2PU

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 45M
Area Team Boundary - Name: SOUTH AREA