MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	131359/FO/2021
Date registered valid:	10 September 2021
Proposal:	Erection of a pair of semi-detached dwellinghouses with associated car parking
Address:	56 Mersey Bank Avenue, Manchester, M21 7NN
Ward(s):	Chorlton Park Ward
Applicant:	Mr Arfan Tahir
Agent (if any):	Mr Shariq Poonawala, SPA
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	15 June 2023

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Standard consultations:
Printed: 16 September 2021 Expired: 7 October 2021

Neighbour notifications
Printed: 16 September 2021 Expired: 7 October 2021

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/area

The appeal site is currently vacant and located at the junction of Mersey Bank Avenue and Whiteholme Avenue. A 2 storey commercial property was located on the site but following a fire this was demolished and the site cleared a number of years ago.

To the north of the site stands no. 54 Mersey Bank Avenue, a residential property which is located at the end of a commercial parade. The truncated/exposed form of the adjacent building at no. 54 Mersey Bank Avenue reflects the past loss of built form within the site that originally completed the existing parade. To the south of the site, on the opposite side of Whiteholme Avenue, stands nos. 20-34 Whiteholme Avenue, all of which are two storey dwellinghouses. To the west of the site stands nos. 21 and 23 Whiteholme Avenue, a pair of 2 storey semi-detached dwellinghouses.

Apart from the commercial parade on Mersey Bank Avenue, the area is predominantly residential in nature. The majority of the properties are two storeys in height, albeit the Barlow Moor Community Centre is three storeys in height in order to identify it as a community and cultural facility.

Listed building: no
Conservation area: no
Tree Preservation Order: no

Description of development

The applicant is proposing to erect a pair of semi-detached dwellinghouses on the site.

An application to erect a 3 storey block of 5 apartments on the site was refused in November 2015 (109750/FO/2015/S1) and the appeal (APP/B4215/W/16/3143725) was subsequently dismissed.

Consultations & Notification Responses

Local Residents – Five letters of objection have been received, the comments are summarised as follows:

- The site is not sufficient to accommodate two properties.
- The proposal will lead to overshadowing.
- The proposal would lead to overlooking and as the resultant loss of privacy.
- This site was once occupied by a 2/3 bedroom house dwelling that complemented the surrounding area. To replace it with two rather that one property will significantly overpopulate the area unnecessarily.
- The proposals are in breach of minimum distances required between habitable rooms. Significant overlooking will also arise as a result of the proposals as well as causing access issues to maintain the adjacent property.
- This seems like too many houses on such a small plot, especially considering that the people living there will also have at least 2 cars per household, so 4 cars. Already there is a lot of congestion and lack of space.
- The way the houses are orientated means that the parking will encroach onto the pavement and impede pedestrians.

Environmental Health – Suggests the imposition of a number of conditions designed to protect residential amenity and public health.

Highway Services – Have made the following comments:

- Waste storage is provided to the side and rear and, in the absence of any further information, we assume that local authority collection will take place from Whiteholme Avenue. This arrangement is acceptable to Highways.
- Pedestrian access arrangements and proposed boundary treatments are acceptable from a highway perspective.
- An additional vehicle crossover will be required to provide vehicle access to the southernmost dwelling and will need to be constructed in accordance with MCC standards under a Section 184 vehicle crossing licence/agreement.
- One of the driveways is of a substandard width, it should be at least 3metres in width to allow for car parking and the easy passage of bins.

United Utilities Water PLC – In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1) into the ground (infiltration);
2) to a surface water body;
3) to a surface water sewer, highway drain, or another drainage system;
4) to a combined sewer.

UU recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

Policies

The National Planning Policy Framework July 2021 (NPPF) – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. 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 National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In addition to the above, Section 5 (*Delivering a sufficient supply of homes*) is of relevance:

Paragraph 60 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.

Paragraph 69 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.

Core Strategy Development Plan Document – The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") 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. Relevant policies in the Core Strategy are detailed below:

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 H1, Overall Housing Provision – This policy states that the proportionate distribution of new housing, and the mix within each area, will depend on a number of factors and goes on to state that new residential development should take account of the need to:

- Contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing Manchester population;
- Reflect the spatial distribution set out above which supports growth on previously developed sited in sustainable locations and which takes account of
- the availability of developable sites in these areas;
- Contribute to the design principles of Manchester LDF including in environmental terms. The design and density of a scheme should contribute to the character of the local area. All proposals should make provision for appropriate usable amenity space. schemes should make provision for parking cars and bicycles (in line with policy T2) and the need for appropriate sound insulation;
- Prioritise sites which are in close proximity to centres of high frequency public transport routes;
- Be designed to give privacy to both its residents and neighbours.

Policy H6, *South Manchester* – 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 DM1, *Development Management* – This policy states that all development should have regard to a number of issues, in this instance the most relevant are considered as follows:-

- 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.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Flood risk and drainage.

Issues

Principle of the Proposal – In urban design terms the site would clearly benefit from development to replace the built form previously lost and which can be seen below.



The loss of no. 56 Mersey Bank Avenue has given rise to an ad-hoc gap without meaningful purpose in the urban fabric and the remaining parade of shops now presents an unattractive side elevation in views within the adjacent junction space and streetscenes. The principle of a residential development on the site is accepted, given this, the main issue then becomes one of the design (including siting, appearance, function and security) of such development so that it responds positively to the site and locality by reinforcing and improving the existing 'sense of place'.

In this instance, while there is no objection in principle to its residential redevelopment, it is considered that given the constrained nature of the site the erection of two dwellings on it would constitute overdevelopment.

Siting – The proposed dwellings fail to adhere to the building line that exists between the adjoining dwellings on Whiteholme Road and the original building (no. 56 Mersey Bank Avenue). In addition, the rear elevation of the proposed dwellings are situated so close to no. 54 Mersey Bank Avenue that one would have very little private amenity space and the other would be directly overlooked by two windows in the rear elevation of no. 54 Mersey Bank Avenue.

It is considered that due to its siting, the proposed development, would form an incongruous feature in the streetscene and have a detrimental impact upon the character of the street and the upon the current levels of visual and residential amenity enjoyed within the vicinity of the site.

Design – The design of the proposed dwellings is basic and no attempt has been made to incorporate the features found in the dwellings on Whiteholme Avenue. The poor design results in a development that would form an incongruous feature in the streetscene which in turn would have a detrimental impact upon the current levels of visual amenity enjoyed in the area.

Scale – At two storeys in height there is no objection to the scale of the proposal.

Residential Amenity – The front elevations of the proposed dwellings would not give rise to any overlooking issues. However, the proposed rear elevations would lead to the overlooking of nos. 52 and 54 Mersey Bank Avenue.

Each of the proposed dwellings would have a lounge window and French doors on the ground floor, with a bedroom window and a landing window above. In terms of the western most dwelling, the lounge window and first floor bedroom window would abut the common boundary with no. 52 Mersey Bank Avenue and allow direct views into the rear of the property and its rear yard area. In fact the proposed lounge window would site directly on the common boundary and would open out onto the adjoining site. The rear windows in the eastern proposed dwelling would be situated just over 3 metres from windows in the rear elevation of no. 54 Mersey Bank Avenue.

In both circumstances, it is considered that siting the properties in such close proximity to the neighbouring buildings would lead to a reduction in the levels of amenity enjoyed by the occupants of nos. 52 and 54 Mersey Bank Avenue

Living Standards – While the floorspace of the proposed dwellings would comply with national standards, the private amenity space at the rear of the dwellings would either be insufficient in size (western dwelling) or directly overlooked by no. 54 Mersey Bank Avenue (eastern dwelling). As a result the private amenity space provision for the proposed dwellings is considered unacceptable.

Car Parking – The driveway on the western side of the proposed development is only 2.4 metres wide. This is insufficient to allow a car to be parked there and simultaneously move refuse bins from the rear to the front of the property. In all likelihood, future residents would park on street, impact on pedestrian and highway safety, or leave refuse bins in the front garden which would have a detrimental impact upon visual amenity.

Pedestrian and Highway Safety – It is not considered that the traffic movements associated with two dwellings would be of such a level so as to have a detrimental impact upon the existing levels of pedestrian and highway safety enjoyed within the vicinity of the site. However, it is felt that the provision of sub-standard parking facilities, as identified above, would increase the levels of on-street parking and that this would have the potential to impact existing pedestrian and highway safety levels.

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 polices 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 was assessed against the policies within the Manchester Core Strategy Development Plan Document (2012) and the guidance contained within the National Planning Policy Framework (2021). The applicant was advised that the proposal would have a detrimental impact upon the character of the area and the levels of residential and visual amenity enjoyed within the vicinity of the site. A solution that was acceptable to both the Local Planning Authority and the applicant could not be reached.

Reasons for recommendation to refuse

1) The proposed development, by virtue of its design and siting, would form an incongruous feature in the streetscene and have a detrimental impact upon the character of the street and the upon the current levels of visual amenity enjoyed within the vicinity of the site. The proposal would therefore be contrary to policy DM1 in the Core Strategy Development Plan Document for Manchester.

2) The rear windows at ground and first floor level would have a detrimental impact upon the levels of residential amenity enjoyed by the residents of the adjoining properties, namely nos. 52 and 54 Mersey Bank Avenue, due to the potential for overlooking and a sense of intrusion, contrary to Policy DM1 in the Core Strategy Development Plan Document for Manchester.

3) Having regard to the number of units proposed and the footprints of the proposed dwellings, the proposed development is considered to be overdevelopment and would therefore be

detrimental to residential and visual amenity, contrary to Policy DM1 in the Core Strategy Development Plan Document for Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
United Utilities Water PLC

71 Mersey Bank Avenue, Manchester, M21 7NT
69 Mersey Bank Avenue, Manchester, M21 7NT
65 Mersey Bank Avenue, Manchester, M21 7NT
63 Mersey Bank Avenue, Manchester, M21 7NT
73 Mersey Bank Avenue, Manchester, M21 7NT
Flat At, Mersey Bank Post Office, 48 Mersey Bank Avenue, Manchester, M21 7NN
46A Mersey Bank Avenue, Manchester, M21 7NN
Flat Above, 54 Mersey Bank Avenue, Manchester, M21 7NN
Flat Above, 50 Mersey Bank Avenue, Manchester, M21 7NN
52 Mersey Bank Avenue, Manchester, M21 7NN
30 Whiteholme Avenue, Manchester, M21 7PH
26 Whiteholme Avenue, Manchester, M21 7PH
Mersey Bank Post Office, 48 Mersey Bank Avenue, Manchester, M21 7NN
23 Pulford Avenue, Manchester, M21 7QD
21 Pulford Avenue, Manchester, M21 7QD
67 Mersey Bank Avenue, Manchester, M21 7NT
70 Mersey Bank Avenue, Manchester, M21 7WW
34 Whiteholme Avenue, Manchester, M21 7PH
32 Whiteholme Avenue, Manchester, M21 7PH
28 Whiteholme Avenue, Manchester, M21 7PH
24 Whiteholme Avenue, Manchester, M21 7PH
22 Whiteholme Avenue, Manchester, M21 7PH
54 Mersey Bank Avenue, Manchester, M21 7NN
50 Mersey Bank Avenue, Manchester, M21 7NN
46 Mersey Bank Avenue, Manchester, M21 7NN
2 South Gate, 729 Princess Road, Manchester, M20 2LT

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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH