

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134262/FO/2022
Date registered valid: 21 July 2022
Proposal: Erection of a two storey detached residential dwellinghouse with associated car parking and bin store
Address: Rear Yard Of Kingslea Road, Manchester, M20 4UA
Ward(s): Withington Ward

Applicant: Mr Paul Lilley
Agent (if any): Mr Malcolm Maginn 2M Design
Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 25 April 2023



Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 1 September 2022

Standard consultations:

Printed: 26 July 2022 Expired: 16 August 2022

Neighbour notifications

Printed: 26 July 2022 Expired: 16 August 2022

Site notice

No site notice has been produced

Press advert

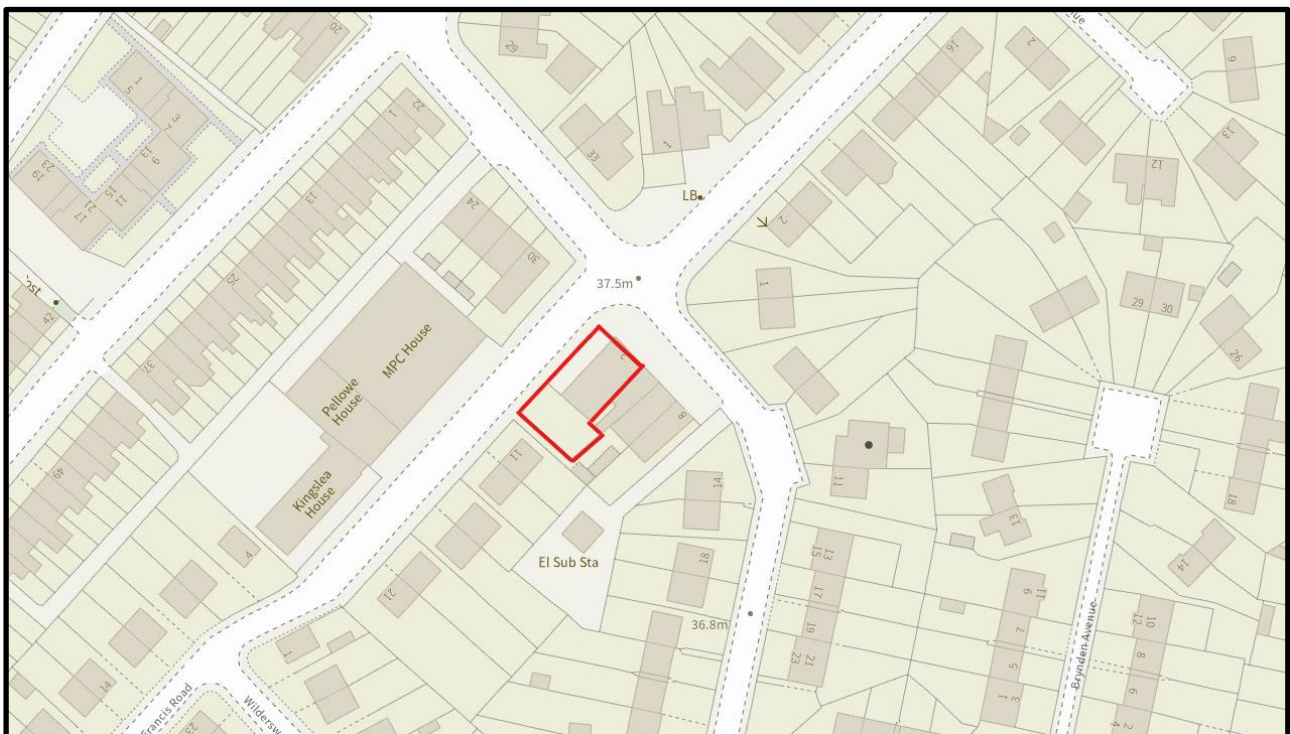
No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

This application relates to a yard area, 107m² in size, at the rear of nos. 2 and 4 Kingslea Road. To the north of the site stands no. 2 Kingslea Road, a former commercial/industrial unit now in residential use, while to the east are nos. 4-8 Kingslea Road, a mix of residential and commercial use with residential above. To the west of the site, on the opposite side of Francis Road, there is a residential property front Kingslea Road and a former commercial property, planning permission on which has been granted (ref. 134603/FO/2022) for a three-storey building to provide 24 apartments. The yard has direct vehicular access onto Francis Road.



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

Description of development

Erection of a two storey detached residential dwellinghouse with associated car parking and bin store.

Consultations & Notification Responses

Local Residents – No comments have been received.

Highway Services – Have made the following comments:

- Given that the proposed development is resultant in one additional residential dwelling, the number of vehicular trips associated with site is expected to be minimal. It is therefore accepted that the adjacent highway network can facilitate such additional demands with no highway safety or capacity concerns.
- There is one existing parking space on-site and as part of the proposals a second parking space is to be installed.
- It should be noted that all individual driveway parking spaces should be a minimum of 3.0m x 6.0m to ensure that vehicles / pedestrians do not impact on the adopted highway.
- Vehicular access to the site is gained from Francis Street. In order to facilitate access into the site, a new vehicular crossover will be required. The new access will need to be built in accordance with MCC construction standards under a Section 184 vehicle crossing licence/agreement.
- It is required, in line with MCC Residential Guidelines, that the provision of an Electrical Vehicle charging point (minimum 7kW) is made available.
- In line with MCC Residential Guidelines, secure and sheltered cycle parking provision should be made, within the curtilage of the site, at a provision of one-per-unit.
- It is recommended that all fencing / railings adjacent to the adopted highway are visually permeable from a distance of 600mm upwards to ensure adequate visual permeability for child pedestrians. The applicant should be advised that all gated accesses will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway.

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

United Utilities Water PLC – UU recommend the applicant considers their drainage plans in accordance with the drainage hierarchy outlined below:

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered 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.

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 sites 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 specific issues, the most relevant of which in this instance are:

- 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.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity and landscape.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.

Issues

Principle of the Proposal – Whilst the area is residential in nature, the principle of erecting a dwelling on this site is not acceptable. The site is much smaller than the plots seen throughout this neighbourhood and this has resulted in a pattern of development and dwelling out of character with those seen on Francis Road. In addition, given the constraints of the plot's size, insufficient private amenity space would be provided for the future occupants of the bungalow.

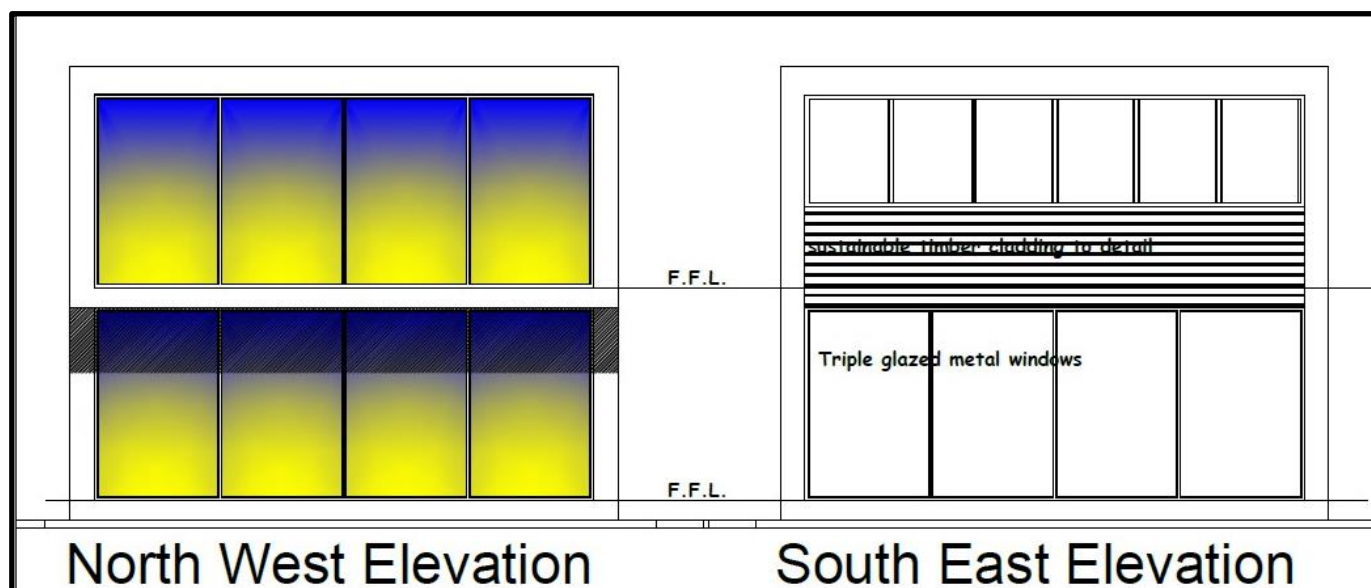
Character of the Area – The predominant character along this side of Francis Road and throughout the neighbourhood is one of dwellings that follow a recognised building line and distinct pattern of development that consist of regularly spaced Inter-War style dwellings, mainly semi-detached, with modest gardens to the front and more generous gardens to the rear, views of which can be glimpsed through the aforementioned regular spacing. This proposal would see the introduction of a detached dwelling in close proximity to no. 11 Aldermary Road and no. 2 Kingslea Road. The siting of the proposed dwelling in this location would conflict with the existing pattern of development, primarily due to the loss of space between neighbouring properties and the provision of an inadequately sized rear garden.

Standards of Accommodation – As over 80m² of accommodation is proposed, the proposal complies with the City Council's space standards.

Notwithstanding this, given the ratio of building footprint to plot size there is little room for the provision of private amenity space. While there is amenity space to the front of the property, the only private amenity space on offer would be a small rectangular area (paved and lawned) which is 2.1m to 2.5m in depth at the rear of the proposed dwelling. This is considered insufficient for the future occupants.

Residential Amenity – Given the orientation of the proposed and neighbouring dwellings it is not considered that the proposal will lead to any loss of privacy.

Visual Amenity – The proposed development fails to pick up on the predominant features and overall character of the dwellings on Francis Road. Given this and its siting in close proximity to the neighbouring properties, it is considered that the resultant structure would have a detrimental impact on the existing levels of visual amenity enjoyed in the vicinity of the site.



Pedestrian and Highway Safety – It is not considered that the dwelling would significantly increase the level of traffic along Francis Road and Kingslea Road so as to prove detrimental to the levels of pedestrian and highway safety enjoyed along that road. In addition, it is not considered that the development would lead to an undue increase in on-street parking.

Car Parking – The level of car parking is considered acceptable in this instance.

Refuse Storage – The applicant has indicated that the refuse bins would be stored at the rear of the property. This is considered acceptable.

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 was assessed against the policies within the Manchester Core Strategy Development Plan Document, the guidance contained within the National Planning Policy Framework and National Design Guide. The applicant was advised that the provision of residential accommodation in this location would not be appropriate as it was out of character with the pattern of development and have an unduly detrimental impact upon neighbouring residents. As the nature of the proposal was considered to be unacceptable and the applicant has requested that the proposal be determined in its current format, a solution that was acceptable to both the Local Planning Authority and the applicant could not be reached.

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

1) The proposed development, by reason of its design and siting, would be out of character with the historic pattern of development in the area and result in an incongruous feature in the streetscene. It would therefore be detrimental to existing levels of visual amenity enjoyed within the vicinity of the site and contrary to Policies SP1 and DM1 in the Manchester Core Strategy and the guidance contained within the National Planning Policy Framework and National Design Guide.

2) The proposed development, due to its design and siting, would provide inadequate levels of private amenity space which would lead to the creation of poor living standards. As a result, the proposal would be contrary to the guidance contained within the Manchester Residential Quality Guidance, the National Planning Policy Framework, the National Design Guide and policy DM1 in the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

United Utilities Water PLC

Highway Services

Environmental Health

13 Francis Road, Manchester, M20 4XP

30 Cotton Lane, Manchester, M20 4XT

Manchester Picture Co, Southdown Business Centre, Francis Road, Manchester, M20 9XP

Southdown Business Centre, Francis Road, Manchester, M20 9XP

ISS GROUP SERVICES LTD, Henwood Court, Southdown Business Centre, Francis Road, Manchester, M20 4XP

28 Cotton Lane, Manchester, M20 4XT

6 Kingslea Road, Manchester, M20 4UA

4 Kingslea Road, Manchester, M20 4UA

11 Francis Road, Manchester, M20 4XP

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

Area Team Boundary - Name: SOUTH AREA