

Planning

Growth & Development

Delegated officer report for planning application

Application no.	132087/FO/2021
Date registered valid:	22 November 2021
Proposal:	Erection of 3 No. 4 bed two storey houses, with accommodation in the roof space (one pair of semis, one detached house) following demolition of the existing two storey 4 bed detached house
Address:	202 Wythenshawe Road, Manchester, M23 0PF
Ward(s):	Northenden Ward
Applicant:	V Fannon 202 Wythenshawe Road, Manchester, M23 0PF
Agent (if any):	Burnham Audere BW Architects 25 Goodlass Road, Suite A206, Liverpool, L24 9HJ
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	28 July 2022



Application details

Type of application: Full Application Consent

Development type: Smallscale Major Dwellings

Date of site visit: 14 December 2021

Standard consultations:

Printed: 25 November 2021

Expired: 16 December 2021

Neighbour notifications

Printed: 25 November 2021

Expired: 16 December 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

202 Wythenshawe Road is a part single/part 2 storey detached dwellinghouse located to the east of the junction with Orton Road. To the north of the site there is an electricity substation, while to the south, on the opposite side of Wythenshawe Road, lies Wythenshawe Park. To the west of the site, on the opposite side of Orton Road, there is a children's day nursery.

The area to the north of Wythenshawe Road is predominantly residential, while the area to the south comprises solely of Wythenshawe Park.

Listed building: No

Conservation area: No

Tree Preservation Order: No

Description of development

The applicant is proposing to erect three x 4 bed two storey houses, with accommodation in the roof space (one pair of semis, one detached house) following demolition of the existing two storey 4 bed detached house

Consultations & Notification Responses

Local Residents – Eleven letters of objection, along with a 34 signature petition have been received. The comments are summarised below:

- Wythenshawe Road is residential road comprising largely of single, mainly detached, residences, the density of the proposed development is at odds with preserving the character of the road.

- The proposed development will demolish a purpose built flat roofed single family dwelling house which is architecturally unique for this locality. It should be protected because it represents the uniquely individual charm and character of Wythenshawe Road.
- The proposed application is to build three four bed houses with parking for one vehicle for each dwelling. Most four bed properties have at least two vehicles to which the other vehicles would then have to park on the roadside causing congestion at a busy junction that is already blighted by sighting issues caused by the trees along Wythenshawe Rd.
- Wythenshawe Road is a busy thoroughfare and Orton Road is a main feeder route onto it. The proposed development offers limited on-site parking and it is fair to assume that many occupiers will have more than one vehicle per site. The inevitable result is likely to be more on-street parking in Orton Road with consequent disruption to the flow of traffic.
- The children's day nursery on the opposite side of Orton Road already contributes to traffic congestion, especially during drop-off and pick-up times. This proposal would exacerbate this.
- Not one of the adjoining plots has three properties on them. This development, if given permission, would give the green light to other investors to buy a property on Wythenshawe Road and build as many houses upon the land as possible changing the character of the road as a whole.
- It would be necessary to remove a large majority of mature tree growth and shrubbery to accommodate the dwellinghouses, which in turn will house local wildlife and birds. This would have a negative impact on the ecological habitats existing in the vicinity of Wythenshawe Park.
- The level of activity associated with three dwellings would have a detrimental impact on existing levels of residential amenity.
- The size of the proposed houses would be obviously very tall and would overlook and overshadow neighbouring properties therefore depriving them of sunlight and daylight and certainly of privacy.

Ward Councillors – Objections have been received from Cllrs Monaghan and Russell, the comments are summarised below:

- The proposal constitutes overdevelopment.
- The three storey residences will inevitably create both overlooking and shading.
- Given the location opposite Wythenshawe Park it is likely to lead to excessive street parking which will block sight lines for children crossing the road into the park - or alternatively generate excess parking on Orton Road, opposite a nursery, which will have the same dangerous effect.
- There is already a problem with cars driving at excessive speeds on Wythenshawe Road, and we really don't want to start encouraging on street parking there as well, which is inevitable if there are so many houses on a small plot.

Highway Services – Have made the following comments:

- The addition of three residential dwelling is not anticipated to generate any significant increase in vehicle trips. It is therefore accepted that the development is unlikely to generate any highway safety, traffic or network capacity concerns.
- Three dropped kerb accesses will be installed on Orton Road. Two are new access points and the third is existing and will be widened. If the planning application is approved the applicant would be required to enter into a section 184 agreement at their own cost.
- Highways would not support any greater than a double dropped kerb and therefore the driveway should be positioned at an appropriate point away from the neighbouring driveway.

- It is assumed that vehicle access will be such that the vehicle can reverse from the highway onto the driveway so the vehicle can then exit the driveway in forward gear.
- The addition of H-Bar markings could be considered in order to protect driveway access points from inconsiderate parking.
- A 7kw EVC is to be installed to each of the dwellings and this is acceptable to Highways.
- Each property will have a secure and sheltered bike store which provides parking for 2 cycles. This arrangement is acceptable to Highways.
- A bin store will be in place at the rear of each property. The bin store can be accessed via the secure timber gate. Bins will be taken to/from the bin store to the collection point on Orton Road on collection day. Highways consider this to be acceptable in order to prevent any obstruction to passing pedestrians on the adjacent footway.

Environmental Health – Suggests a number of conditions designed to protect residential amenity and prevent pollution.

United Utilities Water PLC – Suggests the imposition of conditions designed to prevent flooding and water contamination.

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.

National Design Guide (January 2021) – The NPPF makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. The National Design Guide (NDG) illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools. The relevant sections in relation to this proposal are as follows.

The NDG states that well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary (para 41). It states further, under paragraph 42 that well designed development proposals are shaped by an understanding of the context that identifies opportunities for design as well as constraints upon it.

The NDG states in paragraph 50 that well-designed places, buildings and spaces have a positive and coherent identity that everyone can identify with, including residents and local communities; have a character that suits the context, its history, how we live today and how we are likely to live in the future; and are visually attractive, to delight their occupants and other users.

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.

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 H1, *Overall Housing Provision* – 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.
- Character, setting and accessibility of areas and buildings (including conservation areas).

Policy H7, *Wythenshawe* – states that the Council expects Wythenshawe will accommodate only around 3% of new residential development over the lifetime of the Core Strategy. New high quality high density development will be encouraged within the district centres of Northenden, Baguley and Wythenshawe and upon small infill sites where it contributes to the stock of affordable housing and where it complements Wythenshawe's garden city character. There is also the potential for additional family housing for sale.

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 EN 4, *Reducing CO2 Emissions by Enabling Low and Zero Carbon Development* – This policy states that all developments must follow the principle of the Energy Hierarchy; to reduce the need for energy through energy efficient design and features; and, meet residual energy requirements through the use of low or zero carbon energy generating technologies.

Policy EN 8, *Adaption to Climate Change* – This policy requires that developments are adaptable to climate change in terms of design, layout, siting and function of buildings and external spaces.

Policy EN 16, *Air Quality* – The Council will seek to improve the air quality within Manchester, and particularly within Air Quality Management Areas, located along Manchester's principal traffic routes and at Manchester Airport. Developers will be expected to take measures to minimise and mitigate the local impact of emissions from traffic generated by the development, as well as emissions created by the use of the development itself, including from Combined Heat and Power and biomass plant.

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.
- 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.

- Green Infrastructure including open space, both public and private.
- The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- Flood risk and drainage.
- Existing or proposed hazardous installations.
- Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques.

Issues

Principle of the Proposal – As the site is within a predominantly residential neighbourhood there is no objection in principle to its redevelopment for residential purposes. However, given the distinctive character that exists along this section of Wythenshawe Road, namely detached properties in generous grounds, that follow a well defined building line, it is considered that the proposal is at odds with this character and as such cannot be supported.

Two previous applications to redevelop the site have also been refused:

1. 074221/FO/2004/S2 – Erection of a 3 storey block comprising of 7 apartments with associated landscaping and 8 car parking spaces following demolition of existing dwelling house. Refused on 10th February 2005
2. 075671/FO/2005/S2 – Erection of 3 storey block comprising 4 maisonettes and 4 car parking spaces and associated landscaping. Refused on 27th October 2005.

The first was refused for the following reasons - overdevelopment, scale and massing, traffic generation, location of the parking, lack of amenity space and risk of crime. The second was refused for the following reasons – overdevelopment, impact on the character and appearance of the area.

Design –

Siting –

Residential Amenity –

Visual Amenity –

Car Parking –

Pedestrian and Highway Safety –

Trees –

Landscaping –

Ecology –

Conclusion

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 on Wythenshawe Road and Orton Road and be contrary to Policies SP1 and DM1 in the Manchester Core Strategy, the National Planning Policy Framework and National Design Guide.

2) Having regard to the scale and density of development in the vicinity of the site, the proposed development is considered to be overdevelopment and would therefore be detrimental to visual amenity, contrary to Policy DM1 in the Manchester Core Strategy.

1) The proposed development by virtue of its scale, size, massing, increased number of dwellings and the resultant lack of private amenity space represents over development of the site to the detriment of residential amenity contrary to policy H2.2 of the Unitary Development Plan for the City of Manchester.

2) The proposed development by virtue of its scale and massing and the introduction of terraced dwellings would be visually at odds with the rest of Wythenshawe Road and would thereby be detrimental to the character and appearance of the area contrary to policy H2.2 of the Unitary Development Plan for the City of Manchester.

Having regard to the character and density of development in the vicinity, and the relationship of the proposed development to the adjoining properties, the development of seven two bedroom apartments on this site would be considered to be overdevelopment and would therefore be detrimental to residential amenity, contrary to policy H2.2 of the Unitary Development Plan for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

United Utilities Water PLC
Neighbourhood Team Leader (Arboriculture)
Highway Services
Environmental Health
198 Wythenshawe Road, Manchester, M23 0PF
80 Orton Road, Manchester, M23 0PQ
74 Orton Road, Manchester, M23 0PQ
7 Leycett Drive, Manchester, M23 0RU
99 Lawton Moor Road, Manchester, M23 0PU
101 Lawton Moor Road, Manchester, M23 0PU
103 Lawton Moor Road, Manchester, M23 0PR
57 Orton Road, Manchester, M23 0PT
55 Orton Road, Manchester, M23 0PT
53 Orton Road, Manchester, M23 0PT
51 Orton Road, Manchester, M23 0PT
78 Orton Road, Manchester, M23 0PQ
76 Orton Road, Manchester, M23 0PQ
72 Orton Road, Manchester, M23 0PQ
70 Orton Road, Manchester, M23 0PQ
204 Wythenshawe Road, Manchester, M23 0PH
200 Wythenshawe Road, Manchester, M23 0PF
11 Leycett Drive, Manchester, M23 0RU
9 Leycett Drive, Manchester, M23 0RU

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