

Application Number	Date of Appln	Committee Date	Ward
111791/FO/2016/N1	7th Jun 2016	28th Jul 2016	Moston Ward

Proposal Erection of a pair of semi-detached bungalows (Class C3) with associated landscaping, parking and boundary treatment

Location Land On The Corner Of Moston Lane East And Welling Road, Moston, Manchester M40 3QS

Applicant Mr Shaun Taaffe , 143 Andover Avenue, Manchester M24 1JQ

Agent Mr Reuben Ramelize, Arch Designs, Flat 2, 118 Dudley Road, Whalley Range, Manchester M16 8BR.

Description

This Planning Application relates to a prominent area of green open land, which is designated as part of the Moston Brook river valley, a tributary of the River Irk, located on the corner of Welling Road and Moston Lane East, Moston.

The Application site is a relatively flat section of semi-natural grassed land, surrounded by trees, which falls steeply away to Moston Brook below. The site is part of a wider swathe of greenspace and river valley, which to the immediate vicinity of the site, slopes down the length of the southwestern side of Welling Drive, to the junction of Welling Drive with Moston Lane East.

The river valley area, within which the site is located, is part of an integrated network of high quality and multi-functional green infrastructure. Field Footpath 79 crosses the Application site, and there may also be other rights of way established by usage on the site. The "City Wide Open Spaces, Sport and Recreation Study," establishes the Application site is within an area of semi-natural space, and green open space. The Green and Blue Infrastructure Strategy (2015), identifies this area as part of a "biodiversity opportunity area."

The Application site lies on a former landfill site; therefore, the land is likely to be contaminated. A public sewer managed by United Utilities (UU) crosses the site. UU require an access strip width to the sewer of twelve metres; six metres to either side of the centre line of the sewer.

Housing is located on the opposite side of the highways to the greenspace and Application site. Housing is also situated along both sides of Rishworth Drive, which is located above Welling Drive and the swathe of greenspace within which the Application site is situated. Housing in the vicinity is dominated by family dwellinghouses, predominantly bungalows, including opposite the site on Welling Drive. There are also two-storey dwellings, including 10 and 12 Moston Lane East, which are also located opposite the site.

Planning Permission is sought for the erection of two semi-detached dormer bungalows, to be 5.9 metres to ridge height, and constructed in brick and tiles. Each

bungalow is proposed to incorporate three bedrooms, and associated family living accommodation, including surrounding curtilages. The external curtilages are proposed to each include: a segregated waste management area to the rear, surrounding amenity spaces, and space to park two cars off-street side by side, to be located to each side elevation of the properties.

The roof spaces of the properties are shown to provide two en suite bedrooms. The ground floors are shown to provide the remainder of the internal family accommodation, with a bedroom and a utilities room occupying the front portion of the properties, opposite the highways. The access into and out of the houses is within the side elevations of the properties, adjacent to the proposed car parking spaces. It is proposed that one property's parking spaces will be served by an access onto and from Moston Lane East, and the other by an access onto and from Welling Road.

It is proposed the properties will include front garden areas, thereby setting the houses back by a maximum of 4 metres from the highway on the corner of Welling Road and Moston Lane East. The front boundary of the properties with the highways is proposed to be bounded by stone built walling, to a height of 0.5 metres. The rear and side boundaries of the properties are proposed to be bounded in close-boarded timber fencing, to a height of 2 metres. Indigenous tree and shrub planting is also proposed in the location of the boundaries.

Consultations

As the proposed development affects a Public Right of Way(s) (PRoWs), a site notice has been displayed on the highway adjacent to the development, and a notice has been advertised in the Manchester Evening News. No representations have been received in response.

Neighbours - Further to consultation with the residents of neighbouring properties, three submissions have been received, one of which is signed by the residents of five adjacent properties. The responses are reported as follows:

Letter one (signed by the occupiers of five adjacent properties):

We would like the following comments to be known:

When the land was for sale, we were assured that because of 'Tipping Rights' on the land, the land cannot be built upon.

We purchased our properties because of the tranquillity and beautiful surroundings.

The land is home to wildlife, including hawk, birds, bats, squirrels, and stoats.

United Utilities (UU) recently opened up the shaft on this piece of land for work on the Moston Brook overflow. The UU work disturbed the wildlife, but this was essential work and unavoidable.

Letter two:

We oppose the Planning Application for the following reasons:

Since the main sewers were replaced on the land, the land floods, and there is a stench from the manhole cover. We cannot imagine anyone residing within those conditions.

There have been many accidents with traffic travelling too fast and mounting the pavement onto the land. If properties are built here, the vehicles will hit the properties. The proposed properties will also restrict the view of traffic approaching from the right for traffic travelling down Welling Road onto Moston Lane East.

We have a number of concerns with contaminated land, and refer to the Moston Brook Corridor Case Study (29/11/11) and the Moston Brook Feasibility Study (March 2008). "The historical industrial land uses of Moston Brook have probably affected and deposited contaminants that are likely to be in the ground and they are a potential risk to human health." The implications of digging up the land may pose risk to local residents and wildlife.

We would question how safe the land is to build upon, due to landfill, and shafts from Moston Pit.

Letter three:

Object to the proposed development on the basis of the loss of greenspace in a residential area; the loss of mature trees causing damage to the environment; danger to pedestrians/vehicular traffic, due to a bad junction layout at Welling Road and Moston Lane East.

Environmental Protection - The site lies on a former landfill site (rear of Romer Avenue). To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected, and appropriate remedial action is taken in the interests of public safety, the following is required: A Preliminary Risk Assessment to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination, and/or ground gas relevant to the site.

In the event of the Preliminary Risk Assessment identifying risks, which, in the written opinion of the Local Planning Authority, require further investigation, the development shall not commence until a scheme for the investigation of the site, and the identification of remediation measures (the Site Investigation Proposal), has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before development commences, and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy), which shall be submitted to and approved in writing by the City Council as local planning authority.

When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy, and a Completion/Verification Report shall be submitted to, and approved in writing by the City, with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Highway Services - The highways are subject to a 30 mph speed restriction. There are no other Traffic Regulation Orders (TROs) in place within the vicinity of the site.

The site is located within a reasonably accessible location, with access to two bus services operating along Moston Road East, and additional services along Nuthurst Road. Failsworth Metrolink stop is located approximately 400 metres to the south.

A Public Right of Way (PRoW) currently routes through the site. A stopping up/diversion of the PRoW route would be required to be sought separately to planning permission.

Each parking space should be a minimum of 2.4 metres in width and 6 metres in length.

A Section 184 License will be required separately to planning permission, to install double dropped kerbs for each property.

A vehicle visibility assessment plan to clearly demonstrate that vehicles egressing each driveway can achieve an acceptable visibility splay in both directions is required. It also needs to be demonstrated that a 2 metre by 2 metre pedestrian visibility splay is achievable at each driveway access. Boundary treatment within the vicinity of each driveway should not exceed 900mm in height.

The proposed waste collection is considered acceptable. A Construction Traffic Management plan would be required to be agreed.

Neighbourhood Officer (Arboriculture) - An Arboricultural impact assessment is required. The site backs on to Moston Brook, which is heavily treed. Some provision needs to be made to protect the existing trees on this site, as the work will go right up to the tree line.

United Utilities - A public sewer crosses this site and it may not be permitted to build over it. Require an access strip width of twelve metres, six metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Therefore, a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.

Deep rooted shrubs and trees shall not be planted within the canopy width (at mature height) of the public sewer and overflow systems. Trees should not be planted directly over sewers or where excavation onto the sewer would require removal of the tree.

Request three conditions of planning approval, regarding: foul and surface water to be drained on separate systems; the inclusion of a sustainable surface water drainage scheme; and the provision of a sustainable drainage management and maintenance plan for the lifetime of the development.

Environment Agency - No objection in principle. The development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency, for any proposed works or structures, in, under, over or within eight metres of the top of the bank of Moston Brook. A permit is separate to and in addition to any planning permission granted.

Greater Manchester Police Design for Security - The proposed development should be designed and constructed to Secured by Design standards. Entrance gates should be installed upon entrances that lead to the rear of the property, and set forward as close to the front building line as possible. All garden boundary treatments adjacent to publically accessible land should be 2100mm in height. All other boundaries should include boundary treatment to a height of 1800mm, to ensure the rear cannot be accessed from the front or side of the property.

Greater Manchester Ecology Unit (GMEU) - The application site itself supports close-mown 'amenity' grassland of low botanical diversity close to the road, but there is woodland to the immediate rear of the proposed bungalows which forms part of the important Moston Brook Corridor, a key area of Green Infrastructure in Manchester (Policy EN9).

It is not clear from the plans submitted with the application as to whether the woodland will be directly affected by the scheme. The woodland is relatively young in this area, so even if the development does not affect the trees directly, the trees will continue to develop, making the rear of the properties quite oppressive. This will lead to future pressure to prune or remove trees, affecting the integrity of the corridor, something that should be avoided.

Issues

POLICY CONTEXT:

The following national and local Planning policies are relevant to the consideration of this Planning Application.

National Planning Policy Framework (NPPF):

The National Planning Policy Framework defines the Government's requirements for the planning system "only to the extent that it is relevant, proportionate and necessary to do so." It provides a mechanism through "which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities."

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making.

Section 6 of the NPPF "Delivering a wide choice of high quality homes"

As the proposed development is housing, section 6 of the NPPF, regarding "Delivering a wide choice of high quality homes", is relevant to the consideration of the Application. Paragraph 49 of section 6 states, "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

Paragraph 14 of the NPPF:

On the basis the City Council cannot currently prove a 5 year supply of housing, paragraph 14 of the NPPF must be adhered to. Paragraph 14 states that "At the

heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:
approving development proposals that accord with the development plan without delay;

and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- 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; or
- specific policies in this Framework indicate development should be restricted.

Section 4 of the NPPF "Promoting Sustainable Transport"

Paragraph 32 of section 4 provides that decisions should take account of whether safe and suitable access to the site can be achieved for all people.

Section 7 of the NPPF "Requiring good design"

Paragraph 56 of section 7 is central to decision making, "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

Paragraph 58 of section 7 provides that "Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:

will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
are visually attractive as a result of good architecture and appropriate landscaping."

Section 8 of the NPPF "Promoting healthy communities"

As the Application site is designated as a river valley, and is semi-natural open recreational space, with a footpath(s) crossing the site, policies within section 8 of the NPPF regarding "Promoting healthy communities", are applicable. Paragraphs 73, 74 and 75 contain the following relevant policy considerations, with regard to,

developing open spaces, and protecting and enhancing public rights of way and access.

Paragraph 73 of section 8 states, "Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required."

Paragraph 74 of section 8 states, "Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."

Paragraph 75 of section 8 states, "Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails."

With regard to designing out crime, paragraph 69 of section 8 states, "Planning policies and decisions...should aim to achieve places which promote: safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas."

Section 11 of the NPPF "Conserving and enhancing the natural environment"

As the Application site is a semi-natural open space within the Moston Brook river valley, paragraphs 109 and 114 are relevant to the consideration of the development.

Paragraph 109 of section 11 states, "The planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes, geological conservation interests and soils;
recognising the wider benefits of ecosystem services;
minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and

remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."

Paragraph 114 of section 11 states, "Local planning authorities should: set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure."

As the Application site is on a landfill site, and a public sewer crosses the site, paragraphs 120 and 121 of section 11 of the NPPF apply to the proposal, as follows. Paragraph 120 states, "To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."

Paragraph 121 of the NPPF states, "Planning policies and decisions should also ensure that: the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation; after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and adequate site investigation information, prepared by a competent person, is presented."

Manchester's Core Strategy:

Manchester's Core Strategy was adopted on the 11 July 2012 and is the key document in the Manchester Local Plan. It sets out the long term strategic policies for Manchester's future development and will form the framework that planning applications will be assessed against. The following policies are of relevance to the consideration of this Planning Application.

Policy SP1 - Core Development 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.
making a positive contribution to the health, safety and wellbeing of residents considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
protect and enhance the built and natural environment.

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy DM1 - All development should have regard to:

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

Impact on 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 upon 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 in terms of Code for Sustainable Homes and BREEAM.

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, in particular, the need to diversify housing stock in mono tenure areas by increasing the availability of family housing. High density developments (over 75 units per hectare) are appropriate in both the City Centre and parts of the Regional Centre given the accessible location. 90% of residential development will be on previously developed land. The re-use of vacant housing, including the renewal of areas characterised by poor quality housing, will be prioritised. New developments should take advantage of existing buildings where appropriate through refurbishment or rebuilding works. If this is not possible, development schemes should contribute to renewal of adjacent areas which contain vacant or derelict buildings.

Policy H1 goes on to state that new residential development should take account of the need to:

- o Contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing Manchester population;
- o 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;

- o 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;
- o Prioritise sites which are in close proximity to centres of high frequency public transport routes;
- o Be designed to give privacy to both its residents and neighbours.

Policy H2 'Strategic Housing Location' states that the key location for new residential development throughout the plan period will be within the area to the east and north of Manchester City Centre identified as a strategic location for new housing. Land assembly will be supported in this area to encourage the creation of large development sites or clusters of sites providing the potential for significant regeneration benefits.

Developers should take advantage of these opportunities by:-

- Diversifying the housing offer with particular emphasis on providing medium density (40-50 dwellings per hectare) family housing including affordable housing. In locations which are close to the City Centre, such as the Lower Irk Valley and Holt Town, higher densities will be appropriate. However, the provision of family homes should remain an emphasis in these areas, too.
- Including environmental improvements across the area.
- Creating sustainable neighbourhoods which include complementary facilities and services.
- Considering the scope to include a residential element as part of employment-led development.

Policy H 3 - Housing policy within North Manchester

North Manchester, over the lifetime of the Core Strategy, will accommodate around 20% of new residential development. Priority will be given to family housing and other high value, high quality development where this can be sustained. High density housing will be permitted within or adjacent to the parts of North Manchester that fall within the Regional Centre (Strangeways and Collyhurst area) and within Cheetham Hill and Harpurhey district centres, as part of mixed-use schemes as well as along high frequency public transport routes.

The Core strategy further states that at present, 43% of housing in North Manchester consists of 2-bedroom houses or apartments and 53% is privately rented or socially rented property (Housing Needs Assessment 2007, Fordhams). Unemployment is higher than the City average at 6% (June 2010), however this varies significantly across the area. Much of the land in North Manchester is of low value or in need of remediation. This will often only sustain higher density or low value housing. It is important therefore to ensure that housing schemes contribute to overall environmental improvements and where opportunities arise, higher value

development is promoted to encourage a mixed and diverse community by retaining or attracting economically active households in Manchester.

The Housing Need and Demand Assessment 2010 shows there is a need for 3-4 bed family housing, a need to retain graduates and highly skilled employees currently under-represented in the City by improving the housing offer in the City Centre fringe and a need for additional affordable housing particularly shared ownership or equity.

Policy T1 'Sustainable Transport' seeks to deliver 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. The Council will support proposals that:

- o Improve choice by developing alternatives to the car;
- o Promote regeneration and economic vitality by relieving traffic congestion and improving access to jobs and services, particularly for those most in need and for those without a car;
- o Improve access to transport services and facilities in order to enable disabled people and people with mobility impairments to participate fully in public life;
- o Improve pedestrian routes and the pedestrian environment;
- o Improve and develop further Manchester's cycle network;
- o Contribute to improvements to the extent and reliability of the public transport network through safe and attractive waiting facilities, better priority and information provision,
- o Would reduce the negative impacts of road traffic.

Policy T 2 Accessible areas of opportunity and need states:

The Council will actively manage the pattern of development to ensure that new development: -

Is located to ensure good access to the City's main economic drivers, including the Regional Centre, the Oxford Road Universities and Hospitals and the Airport and to ensure good national and international connections

Is easily accessible by walking, cycling and public transport; connecting residents to jobs, centres, health, leisure, open space and educational opportunities. Particular priority will be given to providing all residents access to strategic employment sites including:-

Links between North Manchester residents and key employment locations, including the City Centre, Central Park, Salford Quays and Chadderton Industrial Estate and Trafford Park.

Links within East Manchester to employment locations, Central Park and Eastlands in particular.

Links within Central Area between residents and employment, the Corridor in particular and east/west connectivity for residents in Central Area to employment areas in Trafford and East Manchester.

Maintaining strong links between residential areas in the South and the Regional Centre and improving connectivity with the Airport.

Ensuring good links between Wythenshawe residents and the Airport and further employment opportunities in Stockport, Trafford and the Regional Centre.

Within the City Centre, provides a level of car parking which reflects the highly

accessible nature of the location, as well as the realistic requirements of the users of the development. Elsewhere, all new development should provide appropriate car parking facilities, taking account of the guidance in appendix B, which reflects policy in the Regional Strategy (RS). In all parts of the City proposals should have regard to the need for disabled and cycle parking, in line with appendix B. If the RS is revoked the Council will continue to use these standards when applying this policy. Standards are set for two different area types:

District Centres

Areas not within the City Centre or District Centres

The car parking standards are maximums and the cycle and disabled car parking standards are minimums. However the Council will take the circumstances of each proposal into account to establish what level of parking is appropriate.

Includes proportionate Traffic Impact Assessments and Travel Plans for all major applications and for any proposals where there are likely to be access or transport issues.

Policy EN1 'Design principles and strategic character areas' states that all development in Manchester will be expected to follow the seven principles of urban design. 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. Proposals for new development must clearly detail how the proposed development addresses the design principle, reinforces and enhances the local character of that part of the City and supports the achievement of the Core Strategic objectives.

Policy EN 9 Green Infrastructure states:

New development will be expected to maintain existing green infrastructure in terms of its quantity, quality and multiple function. Where the opportunity arises and in accordance with current Green Infrastructure Strategies the Council will encourage developers to enhance the quality and quantity of green infrastructure, improve the performance of its functions and create and improve linkages to and between areas of green infrastructure. Where the benefits of a proposed development are considered to outweigh the loss of an existing element of green infrastructure, the developer will be required to demonstrate how this loss will be mitigated in terms of quantity, quality, function and future management.

Key features of Manchester's green infrastructure will include:

The continued development of a network of green spaces, water bodies, canals, paths and cycleways, with priority given to those parts of the City where there is an identified existing lack of open space. The Council will seek to protect existing street trees and promote new planting, particularly where this can enhance green links in the urban area.

The continued maintenance and management of the Rivers Mersey and Irwell and their tributaries, for example the River Irk, River Medlock, Chorlton Platt Gore, Gatley Brook, Moston Brook and adjoining land, with regard to their multiple functions including recreation, flood management, and biodiversity.

The provision of new, and improvements to the quality and accessibility of existing green infrastructure assets, to mitigate for any loss of green infrastructure as a result of development such as the Metrolink extension programme.

The encouragement of green roofs, green walls, tree planting and other forms of green infrastructure to allow for the adaption to climate change in heavily urbanised areas.

New green infrastructure provision should be an exemplar of best practice and innovation in terms of both its design and management.

Policy EN 10 Safeguarding Open Space, Sport and Recreation Facilities states, The Council will seek to retain and improve existing open spaces, sport and recreation facilities to the standards set out above and provide a network of diverse, multi-functional open spaces. Proposals will be supported that:

- improve the quality and quantity of accessible open space, sport and recreation in the local area
- provide innovative solutions to improving the network of existing open spaces, increase accessibility to green corridors, and enhance biodiversity
- improve access to open space for disabled people

Proposals on existing open spaces and sport and recreation facilities will only be permitted where:

- Equivalent or better replacement open space, sport or recreation facilities will be provided in the local area;
- or
- The site has been demonstrated to be surplus for its current open space, sport or recreation function and the City wide standards set out above are maintained, and it could not fulfil other unsatisfied open space, sport or recreation needs, and a proposed replacement will remedy a deficiency in another type of open space, sport or recreation facility in the local area;
- or
- The development will be ancillary to the open space, sport or recreation facility and complement the use or character.

Policy EN 15 (Biodiversity and Geological Conservation) states:

The Council will seek to maintain or enhance sites of biodiversity and geological value throughout the City. Particular consideration will be given to:

- sites with international or national designations for their biodiversity value. Manchester contains one Site of Special Scientific Interest (SSSI) (Cotteril Clough); there is a Special Area of Conservation (SAC) and an SSSI just over the border in Oldham (both on the Rochdale Canal within Oldham);
- other sites of biodiversity value, including Sites of Biological Importance (SBIs) and Local Nature Reserves (LNRs); Manchester currently has 35 SBIs (including the Rochdale and Ashton Canals) and 7 LNRs; priority habitats found within Manchester, as listed in the Manchester Biodiversity Strategy and included in the Greater Manchester Biodiversity Action Plan (GM BAP);
- protected and priority species, as listed in the Manchester Biodiversity Strategy and included in the Greater Manchester Biodiversity Action Plan (GM BAP);
- sites that are recognised for their geological importance;
- the Council's objective to protect and conserve the City's existing trees and woodlands and the aim for a net increase in trees across the City.

Developers will be expected to identify and implement reasonable opportunities to enhance, restore or create new biodiversity, either on-site or adjacent to the site, contributing to linkages between valuable or potentially valuable habitat areas where appropriate, with reference to:

the Manchester Biodiversity Strategy, which provides further details of priority habitats within Manchester and opportunities for biodiversity enhancement including corridors such as the Mersey, Medlock and Irk river valleys, the canals and disused railway lines and areas of managed greenspace particularly in parks;

the Green Infrastructure Framework for Greater Manchester, which encompasses an ecological framework that seeks to guide and inform habitat creation and repair, including identifying large 'biodiversity opportunity areas' including the Moston Brook Corridor and Nutsford Vale;

the Open Space, Sport & Recreation Study, which identifies areas where there is a deficit of natural and semi-natural greenspace, opportunities for green corridors and other linkages;

Manchester's Climate Change Action Plan;

the Strategic Flood Risk Assessment (SFRA) for Manchester;

the Habitats Regulations Assessment (HRA) for Manchester, which gives detailed consideration to Special Areas of Conservation (SACs), including the Rochdale Canal SAC just outside the district boundary;

the River Basin Management Plan for the North West;

the Manchester Tree Strategy.

Any adverse impacts on biodiversity will need to be justified against the wider benefits of the proposal, assessed against other LDF policies. Where adverse impacts are unavoidable, developers will be required to provide appropriate mitigation and/or compensation.

Development should wherever possible seek to maintain, enhance or restore existing geology.

Green and Blue Infrastructure Strategy 2015:

The Green Infrastructure Framework for Greater Manchester identifies large "biodiversity opportunity areas" including the Moston Brook Corridor. In Manchester, the river valleys and canal corridors form an important element of the ecological framework set out in the Green and Blue Infrastructure Strategy (2015).

In 2015 the Council adopted the Green and Blue Infrastructure Strategy. This was the development of the Green Infrastructure Strategy referred to in Policy EN15 Biodiversity and Geological Conservation in the Core Strategy. The Green and Blue Infrastructure Strategy seeks to enhance these areas, through improved accessibility, they are a key part of delivering the Green and Blue Strategy and acknowledged as important parts of creating successful neighbourhoods.

Policy EN 18 (Contaminated Land and Ground Stability) states:

The Council will give priority for the remediation of contaminated land to strategic locations as identified within this document. Any proposal for development of contaminated land must be accompanied by a health risk assessment.

All new development within former mining areas shall undertake an assessment of any associated risk to the proposed development and, if necessary, incorporate appropriate mitigation measures to address them.

Saved Unitary Development Plan (UDP) policies:

The site is located within saved policy area BM4, which allocates the land as a river valley. Policy BM4 provides to maintain and enhance the valley of Moston Brook as a recreational open space. The policy is relevant, as the policy seeks to protect the

river valley and Moston Brook, which is a policy objective repeated in the Core Strategy's Environment policies.

Policy BM4 provides that: "The Council will maintain and enhance the valley of Moston Brook as a recreational open space. In order to benefit residential communities abutting the Brook, and to provide an attractive link to other open spaces along the Brook, within and outside the City."

Saved policy DC7 'New Housing Development' states that the Council will negotiate with developers to ensure that new housing is accessible at ground floor level to disabled people, including those who use wheelchairs, wherever this is practicable. All new developments containing family homes will be expected to be designed so as to be safe areas within which children can play and, where appropriate, the Council will also expect play facilities to be provided.

Policy 26 Development and Noise states:

DC26.1 The Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a. the effect of new development proposals which are likely to be generators of noise; and
- b. the implications of new development being exposed to existing noise sources which are effectively outside planning control.

DC26.2 New noise-sensitive developments (including large-scale changes of use of existing land or buildings), such as housing, schools, hospitals or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the Council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

DC26.3 Developments likely to result in unacceptably high levels of noises will not be permitted:

- a. in residential areas;
- b. near schools, hospitals, nursing homes and similar institutions;
- c. near open land used frequently for recreational purposes.

DC26.4 Where the Council believes that an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, it will in either case require the applicant to provide an assessment of the likely impact and of the measures he proposes to deal satisfactorily with it. Such measures might include the following:

- a. engineering solutions, including reduction of noise at source, improving sound insulation of sensitive buildings or screening by purpose-built barriers;
- b. layout solutions, including consideration of the distance between the source of the noise and the buildings or land affected by it; and screening by natural barriers or other buildings or non-critical rooms within a building; and
- c. administrative steps, including limiting the operating times of the noise source, restricting activities allowed on the site or specifying an acceptable noise limit. Any or

all of these factors will be considered appropriate for inclusion in conditions on any planning permission.

DC26.5 The Council will control noise levels by requiring, where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate.

DC26.6 Exceptions to the general policy will be considered on their merits. The Council accept, as an example, that the occasional use of outdoor facilities such as sports stadia for concerts can be acceptable in certain circumstances. Any such proposal will be considered in the light of consultation with local residents and others, and the practicability of appropriate conditions on any approval.

Reasons :- It has become increasingly accepted that noise is a major source of environmental pollution, affecting peoples' physical and mental health. The Council considers that the planning process has a role to play in reducing noise levels generally and, through the development control system, to consider carefully the relationship between different land-uses from the point of view of noise generation and impact. Reaching judgments on what is or is not an acceptable amount or type of noise is a complex matter, consideration of which will depend on the particular circumstances on the ground.

PLANNING ISSUES:

Principle:

Further to the publication of the National Planning Policy Framework (NPPF), and on the basis the City Council cannot currently prove the existence of a 5 year housing supply, Manchester's Core Strategy is out of date as regards Housing, and the presumption is, in accordance with paragraph 14 of the NPPF, to grant planning permission, unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.

The adverse impacts of the proposed development of this site within the Moston Brook river valley, which is part of an integrated network of high quality and multi-functional green infrastructure, will significantly and demonstrably outweigh the benefits of providing two family dwellinghouses, when assessed against policies in the NPPF, and specific policies in the NPPF which also indicate development should be restricted.

Paragraphs 73, 74 and 75 of the NPPF provide a policy approach towards existing open space, and paragraph 73 acknowledges that access to high quality open space can make an important contribution to the health and well being of communities. Paragraph 74 specifically states that existing open space should not be built on unless it has been shown to be surplus to requirements, or can be replaced or the development is for an alternative sports and recreation use. Paragraph 75 requires that planning policies should protect and enhance Public Rights of Way (PRoW).

In terms of Saved Unitary Development Plan policy BM4 and Core Strategy policies EN9 and EN10, the site is a semi natural, green open space site, within a defined and designated river valley, Moston Brook. The site is identified as a green open

space, and a semi natural open space within the City Council's "City Wide Open Spaces, Sport and Recreation Study."

Policy EN9 Green Infrastructure, seeks to maintain and manage river valleys including Moston Brook, these are important linkages, contributing to biodiversity, recreation and walking. The finely grained urban green infrastructure in this part of Moston helps to give the neighbourhood its distinctive character. This site forms part of an integrated network of high quality and multi-functional green infrastructure.

Policy EN10 Safeguarding Open Space, Sport and Recreation, seeks to retain and improve existing open space, sports and recreation. Any proposal on existing open space would need to provide a replacement open space, and seek to use the site for an existing deficiency in another type of open space, sport or recreational facility in the local area, before development could be permitted. The site is a green open space protected by this policy.

The proposed siting of two houses upon the isolated Application site, which is located within a prominent location, at the junction of two highways, within a swathe of greenspace and river valley, upon the site of field footpath 79, (a Public Right of Way (PRoW)), and potentially other rights of way established by usage on the site, will serve to erode the green infrastructure and recreational provision of the Moston Brook river valley, to the undue detriment of the environment, and the residents of the local urban community surrounding the resource. Consultation responses received from local residents in response to this Application demonstrate that the Moston Brook corridor is a valuable resource to the community.

When the standards in Table 12.4 of the Core Strategy are applied, the North of the City as a whole has a surplus of open space, however, for the purposes of NPPF paragraph 74, the Moston Brook river valley resource, including the Application site, is not surplus to requirements, and can not be replaced. The Application site is considered a key part of the river valley's physical form, and provides access to the green resource. The Moston Brook river valley is a unique natural provision, immediately accessible to a large population, positioned adjacent to a dense and large urban area.

It is acknowledged that the existing PRoW, and potentially other rights of way established by usage on the site, could be diverted, however, in this case, this is considered unacceptable, as the footpath at present provides access into the river valley, and benefits from the setting within open space.

As a key part of the Moston Brook resource, it is considered that the development of this site will be to the detriment of biodiversity, and contrary to paragraphs 109 and 114 of the NPPF. Paragraph 109 states the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, recognising wider benefits of ecosystem services and minimising impacts on biodiversity. Paragraph 114 of the NPPF states local plans should plan positively for networks of green infrastructure.

The Application site consists of mown grass surrounded by trees. Contrary to paragraphs 109 and 114 of the NPPF, the Application does not demonstrate that the

development will not have an unacceptable impact upon surrounding trees, including their root systems, due to the location of the proposed development in relation to the trees. A tree age and condition survey, and management plan for trees have not been submitted.

Policies in the Core Strategy, extant UDP, and the Green and Blue Infrastructure Strategy (2015), seek to protect river valleys for a variety of reasons such as open space linkages, biodiversity, recreation and enhancing neighbourhood settings. The importance of river valleys has recently been reiterated in the Green and Blue Infrastructure Strategy (2015), showing the continued importance of these areas to the Council.

It is understood that the Applicant is in discussion with United Utilities (UU) regarding the presence of the sewer crossing the Application site. UU require an access strip width to the sewer of twelve metres; six metres to either side of the centre line of the sewer. The Application currently fails to demonstrate that the presence of the sewer crossing the site can be overcome. Paragraphs 120 and 121 of the NPPF provide that new development needs to be appropriate for its location, and a site suitable for its new use.

Also in relation to paragraphs 120 and 121 of the NPPF, as the site is located upon landfill, submissions to demonstrate that the site and development are appropriate, as embodied in the City Council's Environmental Protection response, will need to be provided. It is acknowledged that this aspect of the scheme could be satisfactorily dealt with by way of condition, if approval was to be granted.

Design:

The adverse impacts of the proposed development of this site within the Moston Brook river valley will significantly and demonstrably outweigh the benefits of providing two family dwellinghouses, when assessed against policies in the NPPF.

Assessing the proposed development against paragraphs 56 and 58 of the NPPF indicates that the Application should be refused. The introduction of built form into this river valley setting and context, will harmfully affect the character and environment of the area, to the detriment of the quality of the area, and the residential amenity of the local community, as the development will appear out of character, and will erode the provision of recreational greenspace.

It is accepted that the proposed bungalows, including the proposed materials, would be sympathetic to the appearance of the bungalows on the opposite side of the road, however, it is considered that the context for housing development ends above Welling Drive, at the end of Rishworth Road. The context for the Application site, and designation for the Application site, clearly being open river valley space. The Application site is a relatively flat section of semi-natural grassed land, surrounded by trees, within the wider swathe of greenspace and river valley, which falls steeply away to Moston Brook below. Housing is located on the opposite side of the highways to the Application site.

In terms of security, the scheme, does not accord with paragraph 69 of the NPPF, which advocates designing out crime, to provide safe and accessible environments.

This is because there is a deficiency of natural surveillance to and from the street, due to the main rooms of the houses being located to the rear, and as the entrances into the houses are proposed to be from the sides, down open routes into the rear garden area.

The scheme does not currently demonstrate the provision of adequate visibility splays, as regards highway and pedestrian safety, as required by paragraph 32 of the NPPF, which provides that decisions should take account of whether safe and suitable access to the site can be achieved for all people.

Residential amenity:

It is acknowledged that the development of the proposed pair of family dwellings will not have an unduly adverse impact upon the residential amenities of the occupiers of neighbouring residential accommodation, as regards activity and comings and goings, in accordance with planning policy, including policy DM1 of the Core Strategy, and saved policy DC26 of the Unitary Development Plan. This is as, for example, the use of the houses is proposed to be family dwellinghouses, with a commensurate level of activity, including comings and goings, and sufficient separation distances would exist between the proposed and existing accommodation.

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 the right to a fair hearing and to this end the Committee 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 Head 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 approval of the application is proportionate to the wider benefits of approval 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

In this case, it has been necessary to provide the Applicant with a reasoned justification as to why the development fails to meet the requirements of planning policy, as regards the National Planning Policy Framework (NPPF), and the Core Strategy for the City of Manchester, including saved Unitary Development Plan policies.

Reason for recommendation

1) The adverse impacts of the introduction of built form into this river valley setting and context, will significantly and demonstrably outweigh the benefits of providing dwellinghouses, in terms of policies contained in paragraphs 56 and 58 of the NPPF, by reason that the development will harmfully affect the character and environment of the area, to the detriment of the quality of the area, and the residential amenity of the local community, as the development will erode the established character, and appear visually intrusive.

2) The adverse impacts upon links to open space, biodiversity, and recreation for the local community, of developing this river valley site for housing, will significantly and demonstrably outweigh the benefits of providing dwellinghouses, in terms of policies contained within paragraphs 73, 74, 75, 109 and 114 of the NPPF, by reason that the development will result in the loss of part of an integrated network of high quality, biodiverse, and multi-functional green infrastructure, including a recreational route and its setting.

3) The development fails to design out crime, to provide safe and accessible environments, in terms of paragraph 69 of the NPPF, by reason that the design results in a deficiency of natural surveillance to and from the street, and unrestricted access to the side and rear of the properties.

4) The Application fails to demonstrate that development can take place without relocating a public sewer, and that any mitigation measures will not unduly harm the existing open space, in terms of paragraphs 120 and 121 of the NPPF, by reason that a public sewer crosses this site, which will require an access strip, may require a diversion, and may preclude building.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 111791/FO/2016/N1 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

United Utilities Water PLC
Highway Services
Environmental Health
Neighbourhood Team Leader (Arboriculture)
Contaminated Land Section
Greater Manchester Police
Oldham Metropolitan Borough Council

A map showing the neighbours notified of the application is attached at the end of the report.

Relevant Contact Officer : Helen Hodgett
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 Application site boundary  Neighbour notification
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