

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
112570/FO/2016/S1	29th Jun 2016	20th Oct 2016	Whalley Range Ward

**Proposal** Erection of detached 3 storey 5 bedroom dwellinghouse (Plot 1) and 2 pairs of 2 storey 4 bedroom semi-detached dwellings (Plot 3,4,5 and 6) with associated car parking, landscaping and boundary treatments

**Location** 45 St Werburghs Road, Whalley Range, Manchester, M21 0UN

**Applicant** St Werburghs Limited, C/o Agent,

**Agent** Ms Kath Ludlam, Ludlam Associates, The Bank, 99 Palatine Road, Didsbury, M20 3JQ,

### **Description**

This application relates to a rectangular site of 0.26 hectares located on the east side of St Werburghs Road, south of its junction with Wilbraham Road and fronts both St Werburghs Road and Chatburn Road. The site is currently occupied by a vacant two storey detached house in the south west corner fronting St Werburghs Road behind the house is a large detached double garage and outbuilding, accessed via a drive along the southern boundary of the site from St Werburghs Road. Approximately half way along the northern site boundary is a small summer house. The site also accommodates 66 trees a number of which are specimen trees and all are subject to a Tree Preservation Order.

Along the St Werburghs Road boundary is a 1.25 metre high brick wall, whilst the boundary to Chatburn Road is a 1.8 metre high concrete post and panel fence. Adjoining the site to the north and fronting Wilbraham Road are Tealby and Aylesbury Courts, a pair of 1970's style three storey flat roof flat development set in an extensive open landscaped area. Adjacent to the application site is the parking for the flats including a small number of lock up garages and accessed from St Werburghs Road. Adjoining the site to the south is a large two storey Victorian semi detached house on St Werburghs Road, whilst on Chatburn Road there is a smaller interwar style detached house. There are further residential properties opposite the site across St Werburghs Road.

### **Application Proposals**

The application relates to proposals to develop the site to form 5 number family dwelling houses with the retention of the existing house and outbuildings. The proposals in more detail would see the development of: a part two part three storey five bedroom dwelling erected alongside the retained house fronting St Werburghs Road; and the erection of two pairs of two storey, three bedroom, semi detached houses to front onto Chatburn Road. All properties would have their own front and rear private garden areas with adequate space for refuse storage areas, and provision for off street car parking.

The proposed detached dwelling fronting St Werburghs Road would be set 3 metres behind the building line to provide adequate set back space from frontage trees. The design of this dwelling has been revised and is now more closely related in terms of its height to the retained property, being 0.2 metres higher at eaves and 0.4 metres

at ridge height. The design of the dwelling is influenced by the surrounding large villas. The property has an attached garage and a drive from St Werburghs Road. The accommodation would comprise on the ground floor the entrance hall, a reception room, kitchen/family room, dining room/study, utility room and garage. The first floor would comprise a master bedroom with en suite and dressing room, two bedrooms and a family bathroom and the second floor would provide two bedrooms both with en suite facilities.



The two pairs of semi detached houses fronting Chatburn Road have also been amended from three storeys in height to two, this now reflects a similar height to the neighbouring dwelling, the eaves being 0.2 metres higher and the ridge 0.8 metres higher. The design of the properties has also been amended to reflect that of the properties found on Chatburn Road and White Moss Avenue. The properties are set 5 metres behind the building line, the two outer properties have drives at the side and the central properties drives to the front with all accessed from Chatburn Road. The accommodation comprises: on the ground floor a reception room, hall, wc and a kitchen/dining/family room. The first floor would comprise three bedrooms one with an en suite and a family bathroom.



There are currently 66 trees on the site which are the subject of a site wide Tree Preservation Order. The Order was made when officers became aware that the site was on the market and potentially subject to redevelopment proposals. As part of the proposed development 37 trees would be lost and 29 retained. Of the trees to be lost 3 are category A, 14 category B, 14 category C and 6 category U. The applicant has indicated a willingness to enter into an agreement under s106 of the Town and Country Planning Act, to mitigate the loss of trees. The recommendation of the Head of Planning set out at the end of this report reflects this position. The applicant is

preparing a detailed landscaping scheme, the indicative scheme previously submitted does include for some replacement tree planting.

The site is located in Flood risk Zone 1 and as the development is less than 1 hectare a flood risk assessment is not required.

## Consultations

Local residents - Thirteen letters of objection were received in respect of the application as originally submitted. The grounds for objecting are summarised below.

- The Council are reminded of the Tree Preservation Order in place on the site.
- There are a great many bats in the garden some of which are protected.
- The design of the proposed dwellings are not in keeping with existing properties in the area.
- The proposed dwellings are too high compared to the existing properties.
- The density of building proposed is alarming.
- There are no details on the impact of the new drives on the existing boundary wall.
- The canopy spreads shown on the submitted drawings appears to be too small and concerns is therefore expressed that the impact on the trees would be greater.
- Concern is expressed that the method statement for working on the trees could be exploited and damage caused to the ecology of the site.
- The current drains overflow after a medium rainfall. It is anticipated that the additional rainfall that would be directed into the drains would make this matter worse.
- The proposals are generally sound, as it attempts to retain the characteristics of the area and boundaries and seeks to retain the mature trees and the existing house.
- It is anticipated that tradesmen and deliveries to the site would use the quieter Chatburn Road to access the site during construction adversely impacting on the amenity of residents.
- The ridge height of the development as submitted as too high.
- There are no details of the proposed drives on the existing brick wall.
- Is there a need for large family housing in the area.
- A more modest scheme would allow for more trees to be retained.
- The development fronts Chatburn Road as it turns through a sharp 90 degree bend where it turns into Whitemoss Road. This is potentially a highway safety issue.
- The site represents a unique development opportunity in central Chorlton. The initial proposal does not reflect the character of the area and the scheme and is an attempt to maximise profit.
- The architecture of the proposed buildings is out of character with the area.
- The development would destroy the character of the existing properties on St Werburghs Road.
- One parking space per property is considered to be too few for such large properties and will lead to traffic issues in the area.
- The existing building is full of character and should be retained.
- Concern is expressed about the impact on wildlife of the proposed development.

- There is no proven demand for five bedroom houses the development is therefore not sustainable and contrary to the National Planning Policy Framework. The house will probably end up as Houses in Multiple Occupation or be converted to flats.
- Core Strategy policy H6 says that the priority will be for house that meet identified shortfalls including the needs of the elderly and providing affordable housing.
- The loss of the trees would conflict with Core Strategy policies EN9 and EN15 and the Councils tree Strategy.
- This appears be an attempt to shoe horn a lot of accommodation into a small number of units.
- The proposed dwellings are oversized compared to the existing properties in the area.
- The design of the house bears no resemblance to others in the area.
- The buildings are set so far back into the site that the gables will encroach on the amenity of the adjoining properties.
- The site floods around Cheltenham Road despite the site not being in a flood risk zone. It is however in a designated area at risk of flooding from a reservoir, it is adjoining two flood risk areas and has a low/medium risk of flooding from surface water.
- The development will affect the ability of the site to discharge surface water in the future. The impermeable coverage of the site will increase by over 600%, the burden on the wastewater system will increase by a similar amount and the loss of the trees will also impact on the sites permeability.
- The applicant did not carry out any pre application consultation. The Council's public access system was only available sporadically and few residents on Whitemoss Road were consulted.
- The application should be withdraw to enable there to be a meaningful dialogue /consultation with residents.

In response to the amendments to the scheme neighbouring occupiers were re-notified and two further letters were received. The responses are summarised below.

-Whilst having no grounds to object it is requested that the many trees on the site are protected. In the absence of green space in the area, the trees are an important habitat for local wildlife, particularly birds.

-The trees act as an acoustic barrier blocking out noise.

Neighbourhood Services (Arboriculture) - There are significant concerns about the loss of so many category A and B trees within the site. The trees are protected collectively as they offer a visual amenity and habitat for a wide variety of local wildlife. It is considered that the removal of the majority of the internal trees will negatively affect the trees on the outer edge of the site.

Regardless of the method statement a large number of the trees for retention will be damaged and impacted upon as there will not be continuous arboricultural supervision on site to prevent construction damage.

Following completion of the development there would be continuous pressure to prune retained trees from the new dwellings to prevent a loss of light.

It is not considered that the loss of trees can be sufficiently mitigated against.

Greater Manchester Ecology Unit - The site has local nature conservation value because of the broad leaf trees present on and adjacent to it. In addition to some ecological value the trees contribute to the character of the local landscape. GMEU are therefore concerned about the loss of trees and would question if it is possible to retain trees around the boundary during the construction and operation of the proposed development and if re planting would be feasible on this quite constrained site.

Strategic Area and Citywide Support Manager - No objections in principle however, conditions should be attached to any approval in respect of limiting the working hours during construction, noise insulation of the proposed dwellings, the approval of a scheme for the storage and collection of refuse and the carrying out of a contaminated land survey.

United Utilities - No objection in principle, however should consent be granted conditions are requested in respect of drainage.

Highways - No objection in principle the proposed off street parking spaces should have appropriate visibility splays.

Greater Manchester Police Design for Security- The proposed development should accord with the principles of Secured by Design

## **Policy**

### **Core Strategy**

The relevant Core Strategy policies are SP1, DM1, H1, H6, H8, EN9, EN14, and PA1.

Policy SP1 sets down the key spatial principles which will guide the strategic development of Manchester to 2027 and is relevant to the application as this site is a development opportunity in this area. Outside the City Centre and the airport the focus will be on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment. The majority of new residential development in these neighbourhoods will be in the Inner Areas, defined by the North Manchester, East Manchester and Central Manchester Regeneration Areas.

The City is covered by regeneration areas including the City Centre. All development should have regard to the character, issues and strategy for each regeneration area as described in the North, East, Central and South Manchester and Wythenshawe Strategic Regeneration Frameworks and the Manchester City Centre Strategic Plan.

The Core Development Principles require development in all parts of the City to 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 is relevant to this application as it seeks to protect the amenity of an area from the adverse impact of development. The policy states that all development should have regard to the following specific issues:-

- 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.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.

Policy H1 is relevant in that it sets down the Council's objectives in supplying new housing. Approximately 60,000 new dwellings will be provided for in Manchester between March 2009 and March 2027. This equates to an average of 3,333 units per year.

Outside the Inner Areas the emphasis will be on increasing the availability of family housing therefore lower densities may be appropriate. New developments should take advantage of existing buildings where appropriate through refurbishment or rebuilding works.

Proposals for new residential 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, including elderly people, disabled people, people with specific support requirements, BME communities, Gypsies and Travellers and Travelling Showpeople;
- Reflect the spatial distribution set out above which supports growth on previously developed sites in sustainable locations and which takes into account the availability of developable sites in these areas;
- Contribute to the design principles of Manchester's Local Development Framework, 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 ; and the need for appropriate levels of sound insulation.
- Address any existing deficiencies in physical, social or green infrastructure, or future deficiencies that would arise as a result of the development, through developer contributions or on site provision;
- Prioritise sites which are in close proximity to centres or high frequency public transport routes.
- Take account of any environmental constraints on a site's development (e.g. flood risk through the Manchester-Salford-Trafford Strategic Flood Risk Assessment, or other statutory designations).
- Be designed to give privacy to both its residents and neighbours.

Policy H6 is relevant as it addresses housing developments in the south of the City. The policy says that 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 H8 relates to affordable housing provision in Manchester and has been raised by an objector. Policy H8 relates to all residential developments on sites of 0.3 hectares and above or where 15 or more units are proposed. As the proposals does not meet these size or number criteria this policy is not relevant to the consideration of the current application.

Policy EN9 addresses green infrastructure and is relevant to this application due to the numbers of trees affected. The policy says that 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.

Policy EN14 is relevant only so far as one of the objectors has referred to the site flooding. The policy states that in line with the risk-based sequential approach

contained within PPS25, development should be directed away from sites at the greatest risk of flooding, and towards sites with little or no risk of flooding; this should take account of all sources of flooding identified in the Manchester-Salford-Trafford Strategic Flood Risk Assessment (SFRA). As noted previously in this report the site does not fall within an area flood risk area, in addition the development is not a major development and a drainage strategy is not required for this scale of proposal.

Policy PA1 relates to developer contributions and says that where needs arise as a result of development the Council will seek to secure planning obligations in line with Circular 5/2005, Community Infrastructure Levy Regulations or successor regulations/guidance. The policy goes on to say that contributions will be sought for amongst others, the provision of green infrastructure. The nature and scale of any planning obligations sought will be related to the form of any development and its potential impact on the surrounding area.

### **Guide to Development in Manchester**

This Supplementary Planning Document sets down the design considerations in determining applications for new developments. The Guide requires new developments to achieve a high standard of design that is informed by and respects the character of an area.

The Guide states the Council wishes to encourage the most appropriate form of development to enliven neighbourhoods and sustain local facilities. The layout of the scheme and the design, scale, massing and orientation of its buildings should achieve a unified urban form which blends in with, and links to, adjacent areas. Increased development density can be appropriate where it is necessary to reinforce community identity, promote a more economic use of land, increase demand for local facilities and contribute to safer, self-policed streets. However density levels must be informed by the character of an area and the specific circumstances of a proposal.

The Guide also says that properties should front streets and where practical parking should be behind the building line.

### **National Planning Policy Framework**

National guidance can be found in the National Planning Policy Framework (NPPF). The central theme to the NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role (paragraphs 6 & 7).

Paragraphs 11, 12, 13 and 14 of the NPPF outlines a “presumption in favour of sustainable development”. This means approving development, without delay, where it accords with the development plan. Paragraph 12 provides: “Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.”

Paragraph 126 of the Framework stipulates that local planning authorities should set out a positive strategy for the conservation and enjoyment of the historic



environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. Paragraph 128, requires developers to identify any heritage assets which may be impacted by a proposed development and describe its significance, including any contribution to that significance that may be made by the asset's setting. The level of detail should be proportionate to asset's significance and should allow the planning authority to understand potential impacts to that significance. Paragraph 129 states Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage assets conservation and any aspect of the proposal.

Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

The impact of the proposed development in respect of the above policies is addressed in the following sections.

## **Issues**

### Principle

This is considered a windfall site located within a predominantly residential area. Given the sites location in the south of the City, the development of the site with low density family accommodation is considered to be acceptable in principle and be in general accordance with Core Strategy policies SP1, H1 and H6 subject to consideration of matters with regards to residential amenity, design, siting, scale, massing and impacts on trees and ecology.

The retention of the existing property on site is considered to be a welcome feature of the proposed development and accords with Core Strategy policy H1.

### Site Layout

This is a rectangular site with road frontages to the front and rear of the site albeit having boundary treatments to both. By positioning the properties so that they front the adopted highway the scheme accords with the principles of good design found in the National Planning Policy Framework, Core Strategy policy SP1 and the Guide to Development In Manchester.

The site layout has been informed by the constraints on site and in particular the trees along the St Werburghs Road frontage and the northern boundary of the site. This has resulted in the proposed properties being sited behind the existing building line on St Werburghs Road. The effect of this siting is not considered to be significant as the retained dwelling on site is set back to a degree compared to other properties on the road, the additional set back and the retained trees would maintain the perception of there being a gap in the built form on this frontage as currently exists.

The set back of the proposed properties on Chatburn Road is a reflection of the need to provide adequate off street parking spaces to the front of the properties. Whilst space could be made to accommodate the parking spaces between the properties it would necessitate the loss of further trees on the site boundary. As there is only a single other property on this part of Chatburn Road it is not considered that there is a strong building line in this area.

All of the proposed properties are provided with extensive gardens to the front and rear, which is typical of the area. The overall density of development on the site is 23 dwellings per hectare which, whilst relatively low, does reflect the on site constraints of the trees.

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**Proposed site layout (St Werburghs Road is to the left and Chatburn Road is to the right)**

On balance it is considered that given the constraints on the site the proposed site layout is acceptable and accords with Core Strategy Policies SP1 and DM1 and the principles of the Guide to Development in Manchester SPD

### Scale and Massing

As originally submitted the application proposed the same design of houses on both road frontages. Amid concerns that the proposed dwellings were significantly taller

than the adjoining properties and failed to reflect the different visual characteristics to the two road frontages the scheme has been amended and redesigned.

The proposed dwelling on the St Werburghs frontage differs in height to the retained property by 0.4 metres at ridge height and 0.2 metres at eaves height. The width of the property at 10 metres is less than the retained property (12.4 metres). Given the siting of this dwelling off the established building line and behind retained trees these differences in height are not considered significant when viewed from the road.

The proposed dwellings on Chatburn Road are 0.8 metres higher at the ridge and 0.2 metres higher at eaves compared to the adjacent property. The width of the proposed dwellings is 12.4 metres for the pair of semi's whereas the adjacent property which is detached is approximately 7.5 metres wide on the road frontage.

On balance it is considered that the scale and massing of the proposed dwellings is comparable with existing properties in the area and would not give rise to unacceptable impacts on the character of the area.

### Design

The amended proposals, rather than adopt a common design for both the frontages, have been designed to reflect the character found on the two different road frontages. To the St Werburghs Road frontage the proposed detached dwelling includes the two storey bay and gable walls found on the villas that are found in this area, whilst at the rear of the site on Chatburn Road the design, whilst still providing two storey bays and gables found on the other frontage are simpler in design and reflect the interwar style semis found on this frontage.

It is considered that the amended design of the proposed dwelling are acceptable and in accordance with Core Strategy policies SP1 and DM1.

### Parking

The proposals include for each dwelling to have off street car parking available.. Of the five new dwellings proposed three would have drive capable of accommodating two vehicles and the other two could accommodate a single car. The retained property would keep its double garage at the rear and the drive leading up to it. It is considered that the proposed parking is acceptable.

### Trees

The application site is planted with 66 specimen trees many of the grouped close together at the rear of the site, these were planted in connection with the sites use as private gardens to the existing residential property on site. The applicant has submitted a tree survey and arboricultural method statement that correctly identifies the trees as a significant constraint to the development on the site as well as providing visual amenity to the area.

A site wide Tree Preservation Order was placed on the site in 2015 in response to concerns that the site would be brought forward for redevelopment and the need to fully consider impacts on the trees as part of any subsequent planning application.

The Council's arborist has raised concerns with regards to the loss of trees on site and the impacts of development on those trees to be retained.

The proposals would result in the loss of 37 trees on site whilst retaining 29. The applicant is developing a landscaping scheme that would provide some replacement tree planting to the Chatburn Road frontage; however, it is acknowledged that the proposals would give rise to visual impacts as a result of the trees lost to development which can not be solely mitigated by on site tree planting. Trees would be retained to the frontage of St Werburghs Road, and along the site's northern boundary whilst the majority of trees lost are located within the central area of the site and the Chatburn Road frontage.

The applicant has in principle agreed to entering into a legal agreement for the provision of off site trees to mitigate the loss of trees on site. This is likely to be in the form of street tree planting with a period of maintenance and management of these for five years after planting. Any agreed section 106 should reflect the type and quality of trees to be removed and would ensure that some mitigation against tree loss on site is obtained through the development. It is also recommended that appropriate conditions be attached to any approval relating to works to trees, ensuring the development is undertaken in accordance with the submitted arboricultural method statement.

It is regrettable that the proposals would result in the loss of a number of trees on this site. It is noted that the applicant has attempted to devise a development scheme that minimises the impacts on the highest quality trees on site whilst also bringing forward development proposals that would provide family homes in a location where a need for this type of accommodation has been identified.

In this instance and on balance it is considered that the proposals are acceptable in terms of Core Strategy policies SP1, DM1 and EN9 subject to the signing of a legal agreement for the provision of off site tree planting; a landscaping scheme that maximises on site tree planting; and a long term management scheme that sets out the effective management of the protected trees retained as part of the development.

### Flooding

The site does not fall within a flood risk area or site size requiring the submission of a flood risk assessment or drainage strategy.

Any landscaping scheme approved as part of the development could through the careful choice of permeable materials and planting minimise surface water run off from the site.

It is not considered that the proposals would give rise to significant issues with regards to flood risk or surface water runoff.

## Residential Amenity

In terms of the physical presence of the proposed dwellings the only property that is considered to be directly affected by the development is the neighbouring property at 16 Chatburn Road. This two storey residential property is located adjacent to and due south of the site boundary. Given this relationship it is not considered likely that there would be any overshadowing generated, whilst the only window in the gable elevation of the proposed dwellinghouse is to a bathroom and consequently there would be no direct overlooking or loss of privacy.

The proposed dwelling would have a typical relationship to other residential properties across the roads of St Werburghs and Chatburn and would not give rise to the loss of privacy or overlooking of properties on these roads.

Whilst the development would result in increased activity on the site as a result of the associated comings and goings and use of private gardens from the proposed properties, it is not considered that these impacts would be significant and the development could be successfully assimilated into the wider residential area.

It is considered that the loss of trees would have some impact on the character and visual amenity of the area, however, this is a suburban area and whilst trees are very much a part of its character there would remain a significant number of trees given the size of the site.

In terms of residential amenity it is considered that the proposed development accords with Core Strategy policies SP1, DM1 and EN9.

## S106 Agreement

In order to minimise and to mitigate against the loss of trees on site the applicant has indicated a willingness to enter into a planning obligation and make a financial contribution to off site environmental works. The details of such a scheme would need to be agreed should members be minded to approve the application. This approach would accord with Core Strategy policies EN9 and PA1.

## Refuse

The submitted site layout does indicate that all the dwellings have private gardens with adequate space to store bins behind the building lines. In addition all properties have large kitchens that provide adequate space for the storage of waste prior to disposal into external receptacles. In this instance it is considered that final details for the siting of refuse facilities could be addressed through a suitable condition.

## Landscaping

A detailed landscaping scheme is to be submitted to include details of the boundary treatments, hard and soft landscaping and replacement tree planting. Any further comments in respect of this issue will be reported to Committee.

## Ecology

The applicant submitted a Bat survey alongside the application. This survey indicates that there is no evidence of bats using the site to roost, similarly there is no evidence of badgers using the site. It is however proposed to attached appropriately worded conditions to any approval for the development to incorporate measures to increase biodiversity on the site through the provision of bat and bird boxes and tree planting.

## House in Multiple Occupation

Concern has been expressed that the property could be used as a house in Multiple Occupation .Committee will be aware that as a result of the Article 4 Direction in place across the City, such a change in use would require planning permission. However, It is proposed to attach an appropriately worded condition for the avoidance of doubt.

## Garage

It is proposed to add a condition which removes the permitted development right for the conversion of the garage on site into additional living accommodation.

## Other Matters

Concern has been expressed that the neighbour notification was not sufficiently extensive, particularly in respect of properties on White Moss Avenue. Notification letters were sent to all the addresses that adjoin the site and in this respect the Council has fulfilled its statutory requirements. At the time of the original notification there were issue with accessing the Public Access System to view the application documents and to this end residents who contacted the service were advised that representations would be accepted after the statutory 21 day period. Further, following receipt of the amended plans residents were re-notified and given a further opportunity to comment.

## Conclusion

On balance it is considered that the proposed development has been designed in such a way as to minimise the loss of trees on site whilst bringing forward a residential development that will enhance the residential offer in the area. The proposals have been designed to reflect the character of the area and it is considered that the development would not give rise to unacceptable impacts to warrant refusal of the application subject to the entering into a section 106 agreement for a tree replacement scheme and scheme for the management of on site protected trees.

**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**      **MINDED TO APPROVE SUBJECT TO THE SIGNING OF A SECTION 106 AGREEMENT FOR THE PROVISION OF OFF-SITE TREES AND THEIR MANAGEMENT AND MAINTENANCE, AND A SCHEME FOR THE MANAGEMENT OF ON-SITE PROTECTED TREES**

### **Article 35 Declaration**

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to issues arising from the consideration of this application. In this instance the application proposals have been amended in terms of their design and the identification of the need for a legal agreement to mitigate against on site tree loss.

### **Conditions to be attached to the decision**

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents: 15238(PL) 005B, 15238(PL) 008C, 15238(PL) 009B Stamped as received on 22nd August 2016 and 15238(PL) 006A Stamped as received on 10th October 2016 and Site Report, Appraisal and Plans reference STW-85-001 REV C by Christian Environmental, stamped as received on 22nd August 2016

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) The development hereby approved shall not progress beyond damp proof course level unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

4) Prior to the first occupation of the dwellings hereby approved a scheme for the storage (including segregated waste recycling) and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - To ensure that there are satisfactory arrangements for the storage of refuse pursuant to Core Strategy policy DM1.

5) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars contained in the Site Report, Appraisal and Plans reference STW-85-001 REV C by Christian Environmental, stamped as received on 22nd August 2016; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

6) a) Before the development hereby approved commences, a report (the 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 shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's



current guidance document (Planning Guidance in Relation to Ground Contamination).

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 the 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.

b) 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 Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - 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, pursuant to policies DM1 and EN18 of the Core Strategy.

7) The parking shown on the approved plans shall be laid out and made available for use before the dwellings hereby approved are first occupied and be retained thereafter.

Reason - To ensure that there is adequate parking for the proposed development pursuant to Core Strategy policy DM1

8) Before the development commences a scheme for acoustically insulating the residential accommodation against noise from traffic noise on St Werburghs Road; shall be submitted to and approved in writing by the City Council as local planning authority. The approved noise insulation scheme shall be completed before any of the dwelling units are occupied.

Reason - To secure a reduction in noise from road traffic on St Werburghs Road in order to protect future residents from noise nuisance, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

9) No development shall commence until a hard and soft landscaping treatment scheme has been submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy.

10) Before the development of any of the areas hereby approved commences a scheme for new bat and bird nesting boxes shall be submitted to and approved by the City Council and the approved scheme shall be implemented in full.

Reason - To ensure that new nesting provision is provided to replace existing nests/nesting sites that are lost to the development pursuant to policies EN15 and DM1 of the Core Strategy of the Local Development Framework and the principles for sustainable development set down in the National Planning Policy Framework.

11) Prior to the commencement of development on site (including the clearance of tree and vegetation) a scheme for the long term maintenance and management of the retained trees on site shall be submitted to and approved in writing by the City Council as local planning authority. The submitted scheme shall: identify the responsibilities required for the preservation of protected trees on the site; and, indicate the mechanism by which future occupiers of the development are informed of the responsibilities identified and outlined in the approved scheme. The development shall be carried out in accordance with the approved scheme.

Reason – To secure the long term future of protected Trees that are situated on the site and are to be retained as part of the development, pursuant to policy EN9 of the Core Strategy.

12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no part of the premises shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a). For the avoidance of doubt, this does not preclude two unrelated people sharing a property.

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1

and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no garage shall be used for any purpose which would preclude its use for the parking of a motor vehicle and no development shall be undertaken that would preclude vehicular access to the garage.

Reason - The loss of garage parking space could result in an unacceptable increase in on-street parking and would thereby be detrimental to highway and pedestrian safety in order to comply with policies SP1, T1 and DM1 of the Core Strategy.

14) .No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the first occupation of each respective dwelling. Development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located in order to comply with saved policy E3.3 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

15) No development shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how secure by design accreditation will be achieved have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a secured by design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

### **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: 112570/FO/2016/S1 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:**

Highway Services  
Environmental Health  
Neighbourhood Team Leader (Arboriculture)  
Greater Manchester Police  
Greater Manchester Ecology Unit

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

**Representations were received from the following third parties:**

47, 53, 86 St Werburgh`s Road,  
16 Chatburn Road,  
266, 270 Kings Road,  
48 Newbury Avenue  
18, 43, 51 White Moss Avenue,  
1, 4 Tealby Court

**Relevant Contact Officer :** Dave Morris  
**Telephone number :** 0161 600 7924  
**Email :** d.morris@manchester.gov.uk



 Application site boundary  Neighbour notification  
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