

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
127142/FO/2020	11th Jun 2020	27 <sup>th</sup> Aug 2020	Moston Ward

**Proposal** Erection of one dwellinghouse (Class C3) with associated parking, landscaping and boundary treatment

**Location** Land To The East Of The Fairway, Manchester, M40 3WS

**Applicant** Moston M40 Ltd , Albion Mills Business Centre, Bradford , BD10 9TQ,

**Agent** Mr William Cartwright, Heritage Planning Design Ltd, 82 Park Road , Bingley, BD16 4EJ

### **Description**

The application site relates to an open piece of land situated along The Fairway within a predominantly residential area of Moston in North Manchester. The site is bounded by residential to the north, east and the west, with Moston Brook Recreational Space to the east. The site is accessed via The Fairway.

The proposal site is irregular in shape with the frontage being narrower than the remainder of the site which opens up as it goes further rearward. It is immediately bounded to the north east of the application site by a sub-station and a detached property identified as no.51 The Fairway. Moston Brook Recreational Space lies immediately to the south of the site, and to the east residential properties on West Avenue and opposite the site and to the east are residential properties relating to The Fairway. (See site location plan below)



Currently the frontage of the site is bounded by low timber rail fencing erected by the applicant and connects to the dry stone wall that returns partially along the eastern boundary with the pathway running through to Moston Brook Recreational Space. There is no formal vehicular access to the site with the main access being pedestrianised. (See below ranch fencing with dry stone wall)



The Fairway itself is characterised by a mix of housing types within the wider residential estate, comprising mainly of 2 storey detached and semi-detached properties with gardens front and rear. There are wide grassed verges along the carriageway punctuated with established street trees within the pavement areas.

The submitted application proposes the erection of one 2 storey dwellinghouse (Class C3) with associated parking, landscaping and boundary treatment.

### **Planning History**

125672/FO/2019 - Erection of two dwellinghouses (Class C3) with associated landscaping and boundary treatment REFUSED 14/2/20

122592/FO/2019 - Erection of two dwellinghouses (Class C3) with associated landscaping and boundary treatment REFUSED 8/5/19

### **The Proposal**

The application under consideration is a re-submission of the two previously refused applications (125672/FO/2019 & 122592/FO/2019). The reasons for refusal related to over development of the site, loss of open space and ecology.

This application now proposes the erection of one dwellinghouse (Class C3a) to front The Fairway with associated new vehicular access, associated parking, landscaping and boundary treatment.

The dwelling would be two storeys and would have both pitched and gable roof designs. The accommodation would consist of a hallway, separate living room, dining room, kitchen and lounge area, storage area and WC at ground floor level, with 4 no. bedrooms (1 with an en-suite), bathroom, and landing areas at first floor level.

Two off street car parking spaces would be provided to the side of the property, with direct pedestrian and vehicular access off The Fairway.

Concrete paving flags would create a path area around the property with grassed areas to the remaining front, side and rear and blocked paving areas forming the driveway for the car parking space. The boundary treatment consists of divisional boundary fencing and stone boundary wall. (See proposed site plan below).



**Consultations**

**Publicity**

The application was advertised on site as 'Affecting a Right of Way'. No representations have been received as a result of this publicity.

**Local Residents**

7 objections have been received, the following concerns have been raised:

- Moston Brook is a vital open space, it has benefited from improvements of footpaths and entrance points;
- The Fairway is open and spacious with a mix of detached and semi-detached properties;

- There are existing parking issues which will be made worse by the introduction of a new property. This would also mean the loss of the grassed areas to the frontages to make way for driveways. The timber fence proposed is not a suitable replacement for the concrete post and timber panel fence located on the eastern side of the proposed development along the boundary with number 51 The Fairway;
- Loss of open green space, the site would have been better served as a piece of public open space;
- Loss of trees on the site;
- The proposal would have an impact upon the variety of thriving wildlife within the area / Ecology (hedgehogs, birds, newts, squirrels, frogs, tadpoles) in Moston Brook and Moston Nature Reserve;
- Visual impact, the proposal would remove the open view that the residents opposite the site on the western side of The Fairway currently enjoy. It would result in a loss of privacy if a house was to be built opposite my property;
- Gates and access into the brook via the existing stone built wall;
- Land ownership and covenant issues relating to part of the site. The site is unsuitable for construction, which is why it has never been built on historically.

### **Highway Services**

The proposal would not result in any unacceptable impact on the local highway network. There is on site car and cycle parking associated with the development and this does not conflict with existing traffic calming measures. This car parking space has also been fitted within an electric car charging point. Access to the gated access within the site should be retained. The boundary treatment associated with the development is acceptable from a highway perspective. A construction management plan should be agreed to ensure there is not conflict with highway safety.

### **Environmental Health**

Waste management arrangements have been agreed. Site investigation works would be required to establish any on site ground conditions and appropriate remediation.

### **Neighbourhood Services (Trees)**

No objections to the proposals. The remaining trees on the site would be retained and mitigation introduced.

### **Flood Risk Management Team**

A drainage scheme should be submitted for approval.

## **Greater Manchester Ecology Unit**

The information submitted with the application includes an ecology assessment. This assessment found the site to have limited ecological value, although some trees and scrubs had been recently cleared. A lighting scheme should be agreed to minimise harm to bats together with including measures within the construction management plan to limit the harm to wildlife. The proposal should include biodiversity enhancements.

## **Design for Security at Greater Manchester Police**

The development should be designed to meet secured by design standards.

## **Policy**

### **The Development Plan**

The Development Plan consists of:

- The Manchester Core Strategy (2012); and
- Saved policies of the Unitary Development Plan for the City of Manchester (1995)

The Core Strategy Development Plan Document 2012 -2027 is the key document in Manchester's Local Development Framework. It sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents as directed by the National Planning Policy Framework (NPPF).

The NPPF requires application to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

### **Manchester Core Strategy Development Plan Document (July 2012)**

The relevant policies within the Core Strategy are as follows:

**Policy SP1 'Spatial Principles'** – The proposal would provide a new home in an existing residential neighbourhood. The proposal would result in an area of open land, however, it is not considered that this would impact on the adjacent open space and appropriate mitigation can be secured with regards to impact on ecology, green infrastructure and biodiversity at the site.

**Policy DM1 'Development Management'** - Careful consideration has been given to the design, scale and layout of the dwelling in order to ensure it fits appropriately into the street scene and minimise impacts on residential and visual amenity.

Consideration has also been given to parking, cycling and waste management arrangements.

**Policy H1 ‘Overall Housing Provision’ and Policy H3 ‘North Manchester’** – The proposal would provide a new dwelling within a residential area of the city which would contribute to the city’s housing land supply.

**Policy T2 ‘Accessible Areas of Opportunity and Need’**- The proposal would provide a driveway to the side of the housing which would accommodate a car. This would be adapted for electric car charging along with cycle space provision.

**Policy EN1 ‘Design Principle and Strategic Character Areas’** – The scheme has been designed to complement the existing area in both scale, appearance and materiality.

**EN9 ‘Green Infrastructure’** – Trees have been removed from the site. However, suitable mitigation would be secured as part of this development which would also improve green infrastructure and the setting of Moston Brook.

**Policy EN10 ‘Safeguarding Open Space, Sport and Recreation Facilities’** – The application site is an open area of grass land. The site does not form part of the wider Moston Brook but does form part of its setting. The introduction of one house would preserve the setting of Moston Brook and provide a spacious setting to the proposed dwelling.

**Policy EN14 ‘Flood Risk’** - A scheme to minimise surface water runoff would be agreed.

**Policy EN15 ‘Biodiversity and Geological Conservation’** –The proposal would seek to improve the overall biodiversity at the site through new tree planting and soft landscaping.

**Policy EN17 ‘Water Quality’** – The proposal would not lead of any pollution of water courses and a drainage scheme would be designed to reduce surface water run-off.

**Policy EN18 ‘Contaminated Land and Ground Stability’** - The ground conditions, are not unusual for the location given known previous land uses and can be adequately dealt with.

**Policy EN19 ‘Waste’** - Recycling principles are incorporated in the waste management arrangements.

For the reasons given below, it is considered that the proposal is consistent with the policies contained within the Core Strategy.

### **The Unitary Development Plan for the City of Manchester (1995)**

The Unitary Development Plan for the City of Manchester was adopted in 1995. However, it has now been largely replaced by the Manchester Core Strategy. There are some saved policies which are considered relevant and material and therefore

have been given due weight in the consideration of this planning application. The relevant policies are as follows:

**Saved Policy BM4** – The proposal would maintain the setting of Moston Brook and retain access via the existing access gate.

**Saved Policy DC26 ‘Noise’** – The dwelling can be appropriately insulated to prevent noise out break or noise ingress.

For the reasons given below, it is considered that the proposal is consistent with the policies contained within the UDP.

### **Other material policy considerations**

#### **The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (Adopted 2007)**

This document provides guidance to help develop and enhance Manchester. In particular, the SPD seeks appropriate design, quality of public realm, facilities for disabled people (in accordance with Design for Access 2), pedestrians and cyclists. It also promotes a safer environment through Secured by Design principles, appropriate waste management measures and environmental sustainability. Sections of relevance are:

- Chapter 2 ‘Design’ – outlines the City Council’s expectations that all new developments should have a high standard of design making a positive contribution to the City’s environment;
- Paragraph 2.7 states that encouragement for “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 form which blends in with, and links to, adjacent areas.
- Paragraph 2.8 suggests that in areas of significant change or regeneration, the future role of the area will determine the character and design of both new development and open spaces. It will be important to ensure that the development of new buildings and surrounding landscape relates well to, and helps to enhance, areas that are likely to be retained and contribute to the creation of a positive identity.
- Paragraph 2.14 advises that new development should have an appropriate height having regard to the location, character of the area and specific site circumstances. Although a street can successfully accommodate buildings of differing heights, extremes should be avoided unless they provide landmarks of the highest quality and are in appropriate locations.
- Paragraph 2.17 states that vistas enable people to locate key buildings and to move confidently between different parts of the neighbourhood or from one area to another. The primary face of buildings should lead the

eye along important vistas. Views to important buildings, spaces and landmarks, should be promoted in new developments and enhanced by alterations to existing buildings where the opportunity arises.

– Chapter 8 ‘Community Safety and Crime Prevention’ – The aim of this chapter is to ensure that developments design out crime and adopt the standards of Secured by Design;

– Chapter 11 ‘The City’s Character Areas’ – the aim of this chapter is to ensure that new developments fit comfortably into, and enhance the character of an area of the City, particularly adding to and enhancing the sense of place.

### **Manchester Green and Blue Infrastructure Strategy 2015**

The Manchester Green and Blue Infrastructure Strategy (G&BIS) sets out objectives for environmental improvements within the City in relation to key objectives for growth and development.

Building on the investment to date in the city's green infrastructure and the understanding of its importance in helping to create a successful city, the vision for green and blue infrastructure in Manchester over the next 10 years is:

By 2025 high quality, well maintained green and blue spaces will be an integral part of all neighbourhoods. The city's communities will be living healthy, fulfilled lives, enjoying access to parks and greenspaces and safe green routes for walking, cycling and exercise throughout the city. Businesses will be investing in areas with a high environmental quality and attractive surroundings, enjoying access to a healthy, talented workforce. New funding models will be in place, ensuring progress achieved by 2025 can be sustained and provide the platform for ongoing investment in the years to follow.

Four objectives have been established to enable the vision to be achieved:

1. Improve the quality and function of existing green and blue infrastructure, to maximise the benefits it delivers
2. Use appropriate green and blue infrastructure as a key component of new developments to help create successful neighbourhoods and support the city's growth
3. Improve connectivity and accessibility to green and blue infrastructure within the city and beyond
4. Improve and promote a wider understanding and awareness of the benefits that green and blue infrastructure provides to residents, the economy and the local environment.

### **National Planning Policy Framework (2019)**

The revised NPPF was adopted in July 2018 and re-issued in February 2019. The document states that the *‘purpose of the planning system is to contribute to the achievement of sustainable development.* The document clarifies that the *‘objective*



*of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs'* (paragraph 7).

In order to achieve sustainable development, the NPPF states that the planning system has three overarching objectives – economic, social and environmental (paragraph 8).

Section 6 '*Building a strong and competitive economy*' states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development (paragraph 80).

Section 8 '*Promoting Healthy and Safe Communities*' states that *planning policies and decisions should aim to achieve healthy, inclusive and safe places* (paragraph 91).

Section 9 '*Promoting Sustainable Transport*' states that '*significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health*' (paragraph 103).

Developments should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 109).

All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed (paragraph 111).

Section 11 '*Making effective use of land*' states that '*planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions*' (paragraph 117). Decisions should support development that makes efficient use of land, taking into account: the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; local market conditions and viability; the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use; the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places. (Paragraph 122)

Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the

potential of each site. Paragraph 123 (c) states that Local Planning Authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the NPPF. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

Section 12 '*Achieving Well Designed Places*' states that '*the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this*' (paragraph 124).

Planning decisions should 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; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings (paragraph 131).

Section 14 '*Meeting the challenge of climate change, flooding and coastal change*' states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure (paragraph 148).

Section 15 '*Conserving and Enhancing the natural environment*' states that planning decision should contribute and enhance the natural and local environment by protecting valued landscapes, minimising impacts on and providing net gains for biodiversity, preventing new and existing development from contributing to unacceptable levels of sol, air, water or noise pollution or land instability and remediating contaminated land.

## **Manchester Residential Quality Guidance 2016**

This is a material planning consideration in the determination of planning applications and weight should be given to this document in decision making.

The purpose of the document is to outline the consideration, qualities and opportunities that will help to deliver high quality residential development as part of successful and sustainable neighbourhoods across Manchester. Above all the

guidance seeks to ensure that Manchester can become a City of high quality residential neighbourhood and a place for everyone to live.

The document outlines nine components that combine to deliver high quality residential development, and through safe, inviting neighbourhoods where people want to live. These nine components are as follows:

- Make it Manchester;
- Make it bring people together;
- Make it animate street and spaces;
- Make it easy to get around;
- Make it work with the landscape;
- Make it practical;
- Make it future proof;
- Make it a home; and
- Make it happen.

## **Issues**

### **Principle of Development**

The application site is an area of privately owned grass land situated within an existing residential area immediately adjacent to Moston Brook, a recreational area the City Council seeks to maintain and protect.

The proposal would result in the partial loss of some of the grassed area, with the remaining area becoming private amenity space for the proposed property. An existing access to Moston Brook from within the site would be retained for maintenance and emergency purposes as part of the proposal. (Proposal site showing electricity sub-station to the north and existing gated access to the south).



Although the proposal is for a single dwelling it is supported by policies H1 and H4 as it will increase the housing supply in this part of the City. The proposal would not encroach onto Moston Brook and through the design of the dwelling and the creation of the large side and rear gardens would not adversely affect its setting. The proposed dwelling also meets the space standards outlined within the Residential Quality Guide.

The proposal is therefore considered to be acceptable in principle and matters which would require consideration as part of this planning application are the impact on visual and residential amenity together with any associated impacts on Moston Brook, trees, ecology and car parking.

These matters are set out in detail below.

### **Visual Amenity**

The surrounding area is characterised by a mix of modern 2 storey detached dwellings, semi-detached dwellings and dormer roof style bungalows with modest gardens. To the immediate south of the site is Moston Brook Recreational Open Space. (Properties immediately opposite the site to the west).



The proposed dwelling would present its principle elevation to the existing road frontage, as does the existing housing. However, it would be set further back within the plot due to the tapering irregular nature of the site frontage. The primary access for both pedestrians and vehicles would be taken directly off The Fairway into the site.

Visually the set back of the proposed dwelling is not considered to be an issue and would cause no harm in the context of the character of the area and would be in keeping with other properties in the street scene. The proposed dwelling has been sited towards the northern side of the plot in order to retain an open visual aspect to the entrance to Moston Brook.

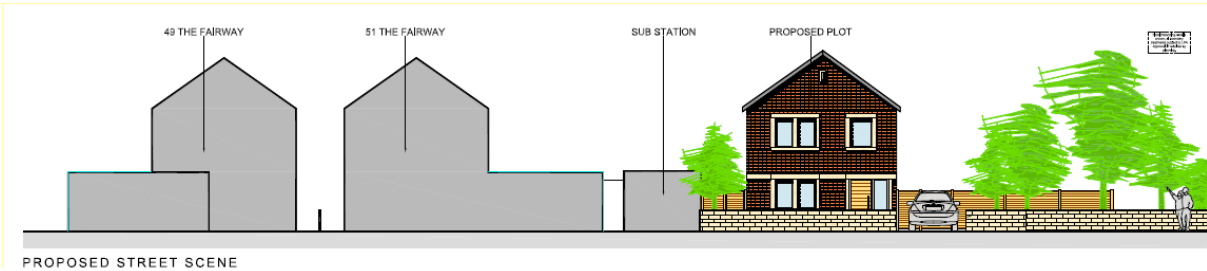
The dwelling would be two storey and would be 14.5 metres in depth and 6.5 metres wide. The ground floor element of the house leads directly out to the garden from the kitchen/dining area via the French patio doors. This is comparable with other dwellings in the street scene.

There would be a gap to the boundary of 2 metres with the nearest residential property which follows the rhythm of other properties in the street scene. There would also be front and rear garden areas and a private driveway to accommodate 2 no. cars along the side of the property.

The proposal incorporates pitched and gable roof types which line though with the eaves and ridge levels of other properties in the area. The scale of the proposal is therefore considered to be acceptable and in keeping other properties in the area.

There would be 1.8m high divisional timber fencing between the new property and existing sub-station, along the side and rear of the site. A 1.8m high lockable gate to the side of the property is proposed to provide security to the rear of the site. The 1.4m high post and rail fence is to be retained along part of the boundary with the adjacent Moston Brook, together with a section of stone wall that runs partly along the frontage and side of the plot where it abuts the post and rail fence. This appropriately marks the boundary to differentiate between the public and private defensible space. The driveway will be of an open aspect and will be demarcated with blocked paving.

The proposals design and layout is appropriate and fully in keeping with the area.



**Residential Amenity**

The existing substation lies along the shared common boundary with the site and there would be approximately 5.0m distance between the proposed gable elevation of the new dwellinghouse and the gable elevation of no.51 The Fairway. A distance of 2.0m is retained between the new property and the shared boundary with the substation, this allows for a sense of space and openness. (See proposed street scene above).



(See above proposal site with properties on West Avenue to the east)

There would be non-habitable kitchen window in the ground floor and 2 non habitable room (en-suite and bathroom) windows in the side elevation to the first floor along the boundary with the substation. Further windows in the form of a WC ground floor window and a first floor landing window are proposed in the elevation overlooking the Moston Brook Recreational ground. These non-habitable room windows would not pose any detrimental impact upon the residential amenity currently enjoyed by the neighbouring properties as they overlook public open space on the Moston Brook elevation.

Appropriate conditions would be attached to any consent granted requiring windows to be obscurely glazed, specifically the windows on the northern elevation to the first floor that serve the en-suite and the family bathroom, and the ground and first floors on the southern elevation that serve the cloakroom and landing respectively and no further windows or openings to be introduced in any part of the development in order to protect the privacy of the future occupants and existing residents

The proposed 1.8m high boundary treatments, to part of the rear and side boundaries are considered to be of an appropriate height to overcome any issues relating to the potential loss of privacy, or overlooking into and out of the proposal site.

The proposed building would be situated immediately south of the existing substation and no.51 The Fairway. The distance to the gable and wider garden area of number 51 The Fairway is approximately 10 metres and is comparable to the relationship of existing buildings within the street scene.

### **Sustainability/ Climate Change**

The site includes space for parking but is also accessible by sustainable modes of transport being close to a range of public transport services, and local educational and retail facilities.

The proposed dwelling would be energy efficiency with insulation and double glazed windows which would reduce energy requirements.

The driveway would be fitted with an electric car charging point which would minimise impact on local air quality conditions from emissions together with onsite secure cycle storage. Biodiversity improvements would also be made in the form of tree planting (see below) landscaping and bird and bat boxes together with surface water management.

### **Accessibility**

A ground level WC has been included in the design and level access has been included in the development.

### **Amenity Space**

The proposal would include a generous front and rear garden with block paving, areas of lawn and soft landscaping. The overall garden area is generous in relation to the size of the property and provides adequate space for the size of dwelling proposed.

### **Trees**

It is noted that a number of trees on the site have been felled.

As part of the application a tree report states that 12 individual trees and three groups of trees had been surveyed. These were category B and C and were of moderate and low quality. Notwithstanding this, the trees were mature and had amenity value as well as providing habitats. The proposal identifies one existing Ash tree close to the sites eastern (rear) boundary and a number of trees outside the site within the Moston Brook Space.

The submitted Tree plan indicates that 11 no. new native and non-native trees have been selected to be planted on the site. The species have been selected due to their ability to thrive and survive within the conditions on the site, benefit wildlife, and for their amenity value.

The tree plan indicates 2 no. trees to each corner of the frontage, 5 no. trees along the rear of the site, 2 no. trees along the south boundary of the site, one along the boundary with the sub-station and 1 within the site.

The tree mitigation plan is considered to be acceptable and should be implemented as part of the development together with protecting the remaining existing trees on site. The proposal would contribute to biodiversity at the site together with enhancing the setting of Moston Brook. This mitigation plan shall be secured by planning condition.



(Plan above shows retained trees, planting schedule and boundary treatments)

## Ecology

An Ecological Impact Assessment has also been submitted which has been assessed by the Greater Manchester Ecology Unit (GMEU). The assessment found the site to have limited ecological value, although some trees and scrubs had been recently cleared.

Lighting would need to be carefully considered in order to minimise any impacts on bat habitats within Moston Brook together with ensuring there are no impacts on ecology from the construction process. The biodiversity enhancements in respect of tree planting and soft landscaping are acceptable together with the provision of bat and bird boxes.

## Highways

The site is located adjacent to the adopted highway The Fairway with no kerbside restrictions operational. The adoption extends to the back of the footway, with grass verging present falling outside of the adopted area.

The addition of one residential dwelling is not anticipated to generate any significant increase in vehicle trips. The level of in curtilage parking provision is considered



acceptable. The fitting of an electric car charging point together with secure cycle storage is welcomed.

It has been demonstrated that the proposal would not impact on existing speed humps on The Fairway

In order to minimise disruption within the vicinity of the site and on the neighbouring traffic network, a condition in relation to a Construction Management Plan (CMP) will be applied to any consent granted.

### **Ground conditions**

The initial desk assessment has indicated that the ground conditions are not complex and any required remediation is capable of being agreed by planning condition.

### **Flood Risk Management**

The City Councils Flood Risk Management team have confirmed that the applicant should design and construct drainage systems to prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system. A condition to that effect will be attached to any consent granted.

### **Refuse / Waste Management**

The proposal indicates an area for a bin store, which would accommodate the four bins required, and would be sited next to the proposed bike store to the rear of the site.

A condition would be attached to any planning permission in order to agree the appearance of a bin store.

### **Community Safety and Crime Prevention**

The proposal offers good levels of natural surveillance; the layout is simple without hidden recesses or undefined areas, windows to the front elevation overlook The Fairway. The security of the site will be further enhanced by the boundary treatment, which has been submitted and detailed.

### **Boundary Treatment**

The current boundary treatment around the proposal site comprises of a timber ranch style fence to The Fairway elevation (erected by the applicant to secure the site), this connects to the existing dry stone wall that then returns along the path towards Moston Brook. The rear of the site comprises of an existing established hedge between the site and West Avenue and to the northern boundary with the electricity substation is a 1.4 metre high concrete post and timber panel fence.

The proposed boundary would comprise a 1.8 metre timber panel fence along the retained rear hedgerow, and as a dividing fence between the proposal site and

number 51 The Fairway. There would also be a 1.8 metre high timber fence and lockable gate running from the side of the property to the front of the bin and cycle store across to the southern boundary. The existing boundary of the concrete post and panel fence up to the boundary with the substation is to be retained. The front boundary is to be a continuation of the dry stone wall, and the existing access gate in the southern elevation is to be retained. The driveway is to be open plan. The proposed boundary treatment to the site frontage would not exceed 0.9m in height to ensure that it does not interfere with visibility.

### **Comments from Neighbours**

Most of the comments raised have been addressed in the report.

For clarity the site does not form part of Moston Brook and the proposal respects and preserve the setting of this area. As such the principle of development is acceptable.

The proposal also allows for re-planting of trees to mitigate against those which have been previously removed by the applicant. This would also enhance biodiversity.

The appearance and scale of the dwelling would be in keeping with the other properties in the street scene and not result in any unduly harmful impacts on amenity from overlooking or loss of privacy.

The issues that relate to Land ownerships and Covenants on the land are addressed through Civil Law, and as such are not matters that can be considered under Planning Law as part of this planning application process.

### **Conclusion**

The proposal is for a single four bed family dwellinghouse which is considered to be appropriate and acceptable in this location. The design of the dwelling would respond positively to the local area and setting of Moston Brook. Car and cycle parking together with waste management and landscaping all form part of the proposals.

**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 Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the of the application is proportionate to the wider benefits

of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

**Recommendation**      Approve

### **Article 35 Declaration**

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance officers have worked with the agent in a positive and proactive manner by informing the agent of comments received regarding the scheme and requesting revised drawings, appropriate conditions will also be attached to any consent granted.

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

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:

- o Location Plan drawing no: 20-027-P-01 stamped as received by the City Council as Local Planning Authority on 11 June 2020
- o Existing and Proposed Site Plan drawing no: 20-027-P-02-C stamped as received by the City Council as Local Planning Authority on 11 June 2020
- o Proposed Floor Plans and Elevations drawing no: 20-027-P-03-E stamped as received by the City Council as Local Planning Authority on 11 June 2020
- o Proposed Street Scene and Landscaping Plan with Roof Plan drawing no: 20-027-P-04-D stamped as received by the City Council as Local Planning Authority on 11 June 2020
- o Agents email dated and received 26 June 2020
- o Arboricultural Impact Assessment & Method Statement Ref: BE-944-01 Rev D, by David Watts Associates Ltd, dated 8 June 2020, stamped as received by the City Council as Local Planning Authority on 11 June 2020
- o Tree Planting Plan Ref: BE-944-04 Rev D, by David Watts Associates Ltd, dated 8 June 2020, stamped as received by the City Council as Local Planning Authority on 11 June 2020
- o Ecological Assessment Ref: BE-944-02E Rev A, by David Watts Associates Ltd, dated 8 June 2020, stamped as received by the City Council as Local Planning Authority on 11 June 2020

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to Policy DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy.

3) Prior to the commencement of development, samples and specifications of all materials to be used on all external elevations of the development, external surfaces and boundary treatment shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be fully implemented in accordance with the approved details, which shall be maintained in situ thereafter.

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, EN1 and DM1 of the Core Strategy for the City of Manchester.

4) Prior to occupation, a "lighting design strategy for biodiversity" for areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason - To protect and safeguard bats, the local bio-diversity and nature conservation, pursuant to policy EN15 of the Core Strategy for the City of Manchester.

5) Prior to any above ground works, a scheme for the Biodiversity Enhancement Measures, as set out in section 5.2 of the Ecological Assessment dated 8th June 2020 (ref: BE-944-02E) by David Watts Associates Ltd, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development and shall be retained thereafter.

Reason -To promote bio-diversity, pursuant to policy EN15 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

6) Prior to development commencing, a full detailed surface water drainage strategy and layout for the site, based on sustainable drainage principles and consideration of historical tributary of Moston Brook which crosses the site shall be submitted to and approved in writing by the local planning authority. The development shall be constructed and completed in accordance with the approved details.

Reason - To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN17 of the Core Strategy.

7) 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 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 within each phase 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 in each phase 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 DM1 and EN18 of the Core Strategy.

8) Prior to the commencement of any development a Construction Management Plan shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be implemented in accordance with the agreed plan and where appropriate shall include:

The phasing and quantification / classification of vehicular activity associated with planned construction. This should include commentary on types and frequency of vehicular demands together with evidence (including appropriate swept-path

assessment) of satisfactory routeing both within the site and on the adjacent highway.

The document should also consider ongoing construction works and contractor parking in the locality.

Dilapidation survey as part of the Construction Management Plan document, the survey should include photographs and commentary on

The condition of carriageway / footways on construction vehicle routes surrounding the site.

Reason - To safeguard the amenities of nearby residents, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (July 2012).

9) The recommendations to protect amphibians and nesting birds during construction works identified in the submitted 'Ecological Assessment Ref: BE-944-02E Rev A, by David Watts Associates Ltd, dated 8 June 2020' shall be implemented prior to the occupation of the development and shall be retained thereafter.

Reason - To safeguard local bio-diversity and nature conservation, pursuant to policy EN15 of the Core Strategy for the City of Manchester.

10) The recommendations to protect amphibians and nesting birds during construction works identified in the submitted 'Ecological Assessment Ref: BE-944-02E Rev A, by David Watts Associates Ltd, dated 8 June 2020' shall be implemented prior to the occupation of the development and shall be retained thereafter.

Reason - To safeguard local bio-diversity and nature conservation, pursuant to policy EN15 of the Core Strategy for the City of Manchester.

11) The car parking space indicated on the approved plans 'Existing and Proposed Site Plan drawing no: 20-027-P-02-C' stamped as received by the City Council as Local Planning Authority on 11 June 2020, shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied. The car parking space shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied pursuant to policy SP1 and DM1 of Manchester's Local Development Framework: The Manchester Core Strategy.

12) The block paving indicated on the approved plans 'Existing and Proposed Site Plan drawing no: 20-027-P-02-C' stamped as received by the City Council as Local Planning Authority on 11 June 2020, shall be installed and made available for use prior to the building hereby approved being occupied. The block paving shall then be maintained and retained at all times whilst the site is occupied.

Reason - In the interest of surface water run off pursuant to policies SP1, EN14 and DM1 of the Manchester Core Strategy (2012).

13) Prior to the first use of the use of the development, 1 no. electric car charging point shall be installed within the site, in accordance with a scheme submitted for approval in writing by the City Council, as Local Planning Authority. The approved

scheme shall be implemented prior to the first use of the development and made available and thereafter retained for as long as the development is in place.

Reason - In the interest of promoting alternatives and minimising the impact of the development on air quality pursuant to policies EN16 of the Manchester Core Strategy (2012).

14) Prior to the first use of the development hereby approved, full details of the specification and locations of bat and bird boxes, shall be submitted to and approved in writing by the City Council as Local Planning Authority. The bat and bird boxes shall be installed prior to the completion of the development and therefore be retained and remain in situ.

Reason - To ensure the creation of new habitats in order to comply with policy EN15 of the Manchester Core Strategy (2012).

15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or doors shall be inserted into the elevations of the extension hereby approved other than those shown on the approved 'Proposed Floor Plans and Elevations drawing no: 20-027-P-03-E' stamped as received by the City Council as Local Planning Authority on 11 June 2020.

Reason - In the interests of residential amenity pursuant to saved policies DC1 of the Unitary Development Plan for the City of Manchester and Policy DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy policy SP1 and DM1 Core Strategy for the City of Manchester.

16) Before first occupation the WC, landing, bathroom and en-suite window in the side elevations as shown on 'Proposed Floor Plans and Elevations drawing no: 20-027-P-03-E' stamped as received by the City Council as Local Planning Authority on 11 June 2020, shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent properties from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages, extensions, roof dormers, porches or outbuildings shall be erected other than those expressly authorised by this permission.

Reason - In the interests of residential amenity pursuant to policy SP1 and DM1 of the Core Strategy for the City of Manchester.

18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that

Order with or without modification) no part of the development 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.

19) Prior to first use of the premises, details of the security measures to be incorporated into the development, which, shall be to secured by design specification, shall be submitted for approval in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details and shall be implemented prior to first use.

Reason - To reduce the risk of crime and safeguard the security of residential occupiers, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

20) Notwithstanding the submitted details, the development hereby approved shall not be occupied until a plan indicating the positions, design, materials and type of all boundary treatment (including gates) to be erected, has been submitted to and approved in writing by the City Council as Local Planning Authority. The boundary treatment shall be completed before the dwellinghouse hereby approved is first occupied. The 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, pursuant to policies SP1 and DM1 of the Core Strategy.

21) Prior to development commencing, details of the specifications, siting and appearance of the secured cycle storage shall be submitted to and approved in writing by the City Council as local planning authority. The agreed details shall be fully implemented prior to the first use of development, retained and maintained thereafter.

Reason - To ensure adequate bicycle storage space for the development, interest of residential amenity and to promote sustainable transportation modes pursuant to policies SP1, T2 and DM1 of the Core Strategy for the City of Manchester.



22) No vegetation clearance shall take place during the optimum period for bird nesting (March - September inclusive) unless evidence of nesting birds is submitted to the satisfaction of the City Council that the nesting bird's nests are absent.

Reason - In order to protect wildlife from works that may impact on their habitats pursuant to policy EN15 of the Manchester Core Strategy (2012).

23) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work".

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.

24) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved 'Arboricultural Impact Assessment & Method Statement Ref: BE-944-01 Rev D, by David Watts Associates Ltd, dated 8 June 2020 and Tree Planting Plan Ref: BE-944-04 Rev D, by David Watts Associates Ltd, dated 8 June 2020, stamped as received by the City Council as Local Planning Authority on 11 June 2020, and particulars; 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.

25) The hard and soft landscaping shall be carried out in accordance with drawing 'Proposed Street Scene and Landscaping Plan with Roof Plan drawing no: 20-027-P-04-D' stamped as received by the City Council as Local Planning Authority on 11 June 2020. The approved scheme shall be implemented prior to the first use of the development. 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.

26) Prior to first use of the development a scheme for the storage and disposal of refuse (including a Waste Management Pro-forma), 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, be in place prior to first use and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health pursuant to Policy DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy.

27) The gated access as shown on drawing 'Existing and Proposed Site Plan drawing no: 20-027-P-02-C' stamped as received by the City Council as Local Planning Authority on 11 June 2020, shall be made available to allow authorised access from that point. The development shall be carried out in accordance with the approved details and shall thereafter be maintained and retained.

Reason - In the interests of gaining necessary access to the adjoining Moston Brook Recreational Space, pursuant to policies SP1 and DM1 of the Core Strategy.

28) Prior to occupation of the development hereby approved, the details of the design and materials for the bin store shown on drawing ref: 20-027-P-02-C -SITE PLAN shall be submitted to and approved in writing by the City Council as local planning authority. The details of the approved store shall remain in situ whilst the use or development is in operation.

Reason - To ensure an acceptable development and to protect amenity, pursuant to policy DM1 of the Manchester Core Strategy

### **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: 127142/FO/2020 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:**

#### **Environmental Health**

**MCC Flood Risk Management  
United Utilities Water PLC  
Highway Services  
Environmental Health  
Neighbourhood Team Leader (Arboriculture)  
MCC Flood Risk Management  
United Utilities Water PLC  
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:**

<b>Relevant Contact Officer :</b>	Janet Lawless
<b>Telephone number :</b>	0161 234 4535
<b>Email :</b>	<a href="mailto:j.lawless@manchester.gov.uk">j.lawless@manchester.gov.uk</a>

